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M. A. C. A.



1851

# JOURNAL

OF THE

## HOUSE OF REPRESENTATIVES.

OF THE TWELFTH GENERAL ASSEMBLY

OF THE

### STATE OF ILLINOIS,

Convened by proclamation of the Governor, being their first session, begun and held in  
the city of Springfield,

NOVEMBER 23, 1840.

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SPRINGFIELD:  
WALTERS, PUBLIC PRINTER

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# JOURNAL

OF THE

## HOUSE OF REPRESENTATIVES.

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Pursuant to the Proclamation of the Governor, the first session of the twelfth General Assembly of the State of Illinois, commenced at Springfield, on Monday, the twenty-third day of November, A. D., one thousand eight hundred and forty,

When Mr. Ewing called the House to order, and on his motion, Mr. Murphy of Perry was appointed Speaker, pro tem.

On motion, J. Calhoun was appointed Clerk, pro tem., Newton Cloud, Assistant Clerk, pro tem., and Wm. C. Murphy, Door-keeper, pro tem.

Whereupon, the following members appeared, were qualified, and took their seats, viz:

From the county of Alexander—WILSON ABLE.

From the county of Union—JOHN DOUGHERTY.

From the county of Johnson—JOHN OLIVER.

From the county of Gallatin—DANIEL WOOD, and DAVID J. BLACKMAN.

From the county of Hamilton—MILTON CARPENTER.

From the county of Jefferson—STEPHEN G. HICKS.

From the counties of Franklin and Williamson—DEMPSEY ODAM, and  
ACHILLES D. DOLLINS.

From the county of Jackson—JOHN LOGAN.

From the county of Perry—RICHARD G. MURPHY.

From the county of White—EDWIN B. WEBB, and ALEXANDER  
PHILLIPS.

From the county of Edwards—ALLAN EMMERSON.

From the county of Wayne—DANIEL TURNEY.

From the county of Wabash—JAMES BEAL.

From the counties of Crawford and Jasper—WILLIAM WILSON.

From the county of Edgar—JOHN M. KELLY, and J. ANDER MUNSSELL.

From the county of Vermilion—JOHN J. BROWN, and  
ROMAN, and

JOHN CANADY.

From the county of Champaign—MATTHEW W.

From the county of Madison—JAMES REYNOLDS.

From the county of St. Clair—LYMAN TRUMBULL.

and DANIEL T. MOORE. Also, MAL-SONSTON.

From the county of Randolph—JOHN P. MCGINNIS, and JAMES MCCLURKEN.

From the county of Marion—JAMES MARSHALL.

From the county of Bond—RICHARD BENTLEY.

From the county of Montgomery—WICKLIFFE KITCHELL.

From the counties of Fayette and Effingham—WM. LEE D. EWING.

From the county of Shelby—OWEN PRENTICE.

From the counties of Greene and Jersey—REVILL W. ENGLISH, ALFRED W. CAVARLY, and DAVID M. WOODSON.

From the counties of Greene, Jersey, and Calhoun—JOHN McDONALD.

From the county of Morgan—JOHN J. HARDIN, JAMES PARKINSON, JEREMIAH COX, and DANIEL TROY.

From the county of Scott—JOSEPH W. ORMSBEE.

From the county of Cass—AMOS S. WEST.

From the county of Sangamon—ABRAM LINCOLN, JAMES M. BRADFORD, JOHN DARNIELLE, and JOSIAH FRANCIS.

From the county of Menard—JOHN BENNETT.

From the counties of Logan and Christian—MARTIN WHITE.

From the county of Tazewell—PIERRE MENARD and ALDEN HULL.

From the county of McLean—ASAHEL GRIDLEY.

From the counties of Macon and De Witt—ROBERT F. BARNETT.

From the county of Adams—WILLIAM LAUGHLIN and JOHN G. HUMPHREY.

HUMPHREY.

From the county of Pike—ALPHEUS WHEELER and SOLOMON PARSONS.

From the county of Schuyler—WM. A. MINSHALL.

From the county of Brown—HARVEY LESTER.

From the county of Fulton—LEWIS W. ROSS and OLIVER SHEPLEY.

From the county of McDonough—WILLIAM W. BAILEY.

From the county of Hancock—JOHN F. CHARLES.

From the counties of Warren, Knox, and Henry—JOHN DENNY.

From the counties of Cook, Will, and McHenry—ALBERT G. LEARY.

EBENEZER PECK, and RICHARD MURPHY.

From the county of LaSalle—ABRAM R. DODGE.

From the county of Iroquois—ISAAC COURTRIGHT.

From the counties of Putnam, Bureau, Stark, and Marshall—WILLIAM

H. HENDERSON.

From the county of Peoria—WM. J. PHELPS.

From the district of Jo Daviess, Rock Island, and other counties—Hiram W. Thornton.

When,

On motion of Mr. Webb,  
The House adjourned till 10 o'clock to-morrow morning.

TUESDAY, NOVEMBER 24, 1840.

adjournment.

appeared, were qualified, and took their seats:

Washington—JOHN CRAIN.  
Lawrence—JAMES MCLEAN and SAMUEL DONLAP.

From the county of Coles—JAS. T. CUNNINGHAM and THOS. THRELKELD.  
 From the county of Sangamon—JAMES N. BROWN.

From the county of Madison—CYRUS EDWARDS and JOSEPH GILLESPIE.  
 From the county of Clinton—JOHN SCOTT.

On motion of Mr. English,

The House proceeded to the election of Speaker, and upon the vote being taken, Wm. Lee D. Ewing had forty-six votes, and Abram Lincoln had thirty-six votes.

Those voting for Mr. Ewing, were,

Messrs. Able, Baldwin, Barnett, Bentley, Blackman, Bussy, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, Dunlap, English, Hankins, Hicks, Humphreys, Kelly, Kitchell, Laughlin, Leary, Lester, Lincoln, Logan, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Oliver, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, and Wood—46.

Those voting for Mr. Lincoln, were,

Messrs. Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Edwards, Emmerson, Ewing, Francis, Froman, Gillespie, Gridley, Hardin, Henderson, Hull, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Webb, West, and Woodson—36.

Mr. Ewing having received a majority of all the votes was declared duly elected, and conducted to the Chair.

On motion of Mr. Wheeler,

The House proceeded to the election of Clerk of the House, and on the vote being taken, it appeared that John Calhoun had seventy votes, Mr. McCoy had five votes, Mr. Cloud had seven votes, and Mr. Johnson had one vote.

Those voting for Mr. Calhoun, were,

Messrs. Able, Bailey, Baldwin, Barnett, Beall, Bentley, Blackman, Brown of Sangamon, Brown of Vermilion, Bussy, Canady, Carpenter, Cavarly, Charles, Courtright, Crain, Cunningham, Darnielle, Denny, Dodge, Dollins, Dougherty, Dunlap, Edwards, Emmerson, English, Froman, Hankins, Henderson, Hicks, Hull, Humphreys, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClurken, McDonald, McGinnis, McLean, Marshall, Moore, Munsell, Murphy of Cook, Murphy of Perry, Oliver, Ormsbee, Parsons, Peck, Phelps, Phillips, Prentice, Reynolds, Ross, Scott, Shepley, Thornton, Threlkeld, Trumbull, Turney, Wheeler, White, Wilson, Woodson, Wood, and Mr. Speaker—70.

Those who voted for Mr. McCoy, were,

Messrs. Bennett, Lincoln, Minshall, Parkinson, and Webb—5.

Those who voted for Mr. Cloud, were,

Messrs. Cox, Francis, Gillespie, Hardin, Menard, Troy, and West—7.

Mr. Gridley voted for Mr. Johnson.

Mr. Calhoun having received a majority of all the votes, was declared duly elected Clerk of the House.

A message from the Senate, by Mr. Berry, their Secretary:

Mr. Speaker: I am directed by the Senate to inform the House of Representatives, that they have adopted the following resolution, viz:

*Resolved*, That the Secretary of the Senate inform the House of Representatives, that they have met and organized, by electing Merritt L. Covell, Secretary, Downing Baugh, Engrossing and Enrolling Clerk, and Andrew Jackson Witt, Sergeant-at-Arms; and are now ready to proceed to Legislative business.

The House then proceeded to the election of Assistant Clerk; when the vote being taken, Mr. George Davis received forty-six votes, and Mr. McNeill received thirty-six votes.

Those voting for Mr. Davis, were,

Messrs. Able, Baldwin, Barnett, Bentley, Blackman, Bussy, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, Dunlap, English, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Oliver, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—46.

Those who voted for Mr. McNeill, were,

Messrs. Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Edwards, Emmerson, Francis, Froman, Gillespie, Gridley, Hardin, Henderson, Hull, Lincoln, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Webb, West, and Woodson—36.

Mr. Davis having received a majority of all the votes, was declared duly elected Assistant Clerk of the House.

On motion, the House then proceeded to the election of Enrolling and Engrossing Clerk; and on the vote being taken, Mr. Robert Smith received forty-nine votes, and Mr. Latham received thirty-two votes.

Those who voted for Mr. Smith, were,

Messrs. Able, Baldwin, Barnett, Beall, Bentley, Blackman, Bussy, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, Dunlap, Edwards, English, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Oliver, Ormsbee, Parsons, Peck, Prentice, Reynolds, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—49.

Those voting for Mr. Latham, were,

Messrs. Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Emmerson, Francis, Froman, Gillespie, Gridley, Hardin, Henderson, Hull, Lincoln, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Thornton, Threlkeld, Troy, Webb, West, and Woodson—32.

Mr. Smith having received a majority of all the votes, was declared duly-elected Enrolling and Engrossing Clerk of the House.

On motion, the House then proceeded to the election of Door-keeper, and the vote being taken, William C. Murphy had fifty-five votes, Moses Egan had nineteen votes, Mr. Blevens had six, and Mr. Turner two

35.

Those who voted for Mr. Murphy, were,

Messrs. Able, Bailey, Baldwin, Barnett, Bentley, Blackman, Bussy, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, Dunlap, English, Hankins, Henderson, Hicks, Hull, Humphrey, Kelly,



Kitchell, Laughlin, Leary, Lester, Logan, McClurken, McDonald, McGinnis, McLean, Marshall, Menard, Moore, Munsell, Murphy of Cook, Murphy of Perry, Oliver, Ormsbee, Parsons, Peck, Phelps, Phillips, Prentice, Ross, Scott, Shepley, Threlkeld, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—55.

Those who voted for Mr. Coffman, were,

Messrs. Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Emmerson, Francis, Froman, Gridley, Lincoln, Minshall, Thornton, Troy, Webb, and West—19.

Messrs. Beall, Denny, Edwards, Gillespie, Parkinson and Reynolds voted for Mr. Blevens.

Messrs. Hardin and Woodson voted for Mr. Turner.

Mr. Murphy having received a majority of all the votes, was declared duly elected Door-keeper of the House.

On motion, the House then proceeded to the election of Assistant Door-keeper, and the vote being taken, Mr. Roberts received forty-eight votes, and Mr. Evans thirty-four votes.

Those who voted for Mr. Roberts, were,

Messrs. Able, Bailey, Baldwin, Barnett, Beall, Bentley, Blackman, Bussy, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, Dunlap, English, Hankins, Hicks, Humphrey, Kitchell, Laughlin, Leary, Lester, Logan, McClurken, McDonald, McGinnis, Marshall, Menard, Moore, Murphy of Cook, Murphy of Perry, Oliver, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Shipley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—48.

Those voting for Mr. Evans, were,

Messrs. Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Edwards, Emmerson, Francis, Froman, Gillespie, Gridley, Hardin, Henderson, Hull, Kelly, Lincoln, McLean, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Webb, West, and Woodson—34.

Mr. Roberts having received a majority of all the votes, was declared duly elected Assistant Door-keeper of the House.

Mr. Peck presented the petition of N. H. Purple, claiming a seat in the House as a Representative from the county of Peoria, now held by W. J. Phelps.

Which, on motion of Mr. Minshall, was laid on the table.

On motion of Mr. Lincoln,

*Resolved*, That the Clerk of this House inform the Senate that they have met, elected Wm. Lee D. Ewing their Speaker, John Calhoun their principal Clerk, George Davis their Assistant Clerk, Robert Smith their Engrossing and Enrolling Clerk, Wm. C. Murphy principal Door-keeper, and Benjamin Roberts Assistant Door-keeper, and are now ready to proceed to Legislative business.

On motion of Mr. Logan,

*Resolved*, That the Senate be respectfully requested to exchange places of convening with this House for a short time, on account of the impossibility of the House discharging its business in so small a place as Methodist Church.

On motion of Mr. Webb,

The rules of the last House of Representatives were adopted government of the present House, until altered or amended.

On motion of Mr. English,

*Resolved*, That a committee of three on the part of the House, and two on the part of the Senate be appointed to wait on the Governor, and inform him that the two branches of the Legislature are organized, and ready to receive any communications he may be pleased to send them, and Messrs. English, Able, and Humphrey were appointed the committee on the part of the House; when,

On motion,

The House adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

House met pursuant to adjournment.

The Speaker laid before the House certain depositions in the case of the contested seat from Peoria county.

Which, without reading, were on motion, laid on the table.

On motion of Mr. Peck,

The petition and depositions in the case of the contested seat from Peoria county were taken up for consideration, and on his further motion, were referred to a select committee of nine.

*Ordered*, That Messrs. Peck, Henderson, Dodge, Cavarly, Menard, Gridley, Ross, Hardin, and McDonald, be said committee.

On motion of Mr. Murphy of Perry,

*Resolved*, That all publishers of newspapers in this State, or reporters for them, be admitted within the bar of this House, to such seats as may be assigned them by the Speaker to report the proceedings thereof.

On motion of Mr. Murphy of Cook,

*Resolved by the House of Representatives*, That a select committee be appointed to prepare and report rules for the government of this House during the present session of the General Assembly.

*Ordered*, That Messrs. Murphy of Cook, Turney, Able, Lincoln, Hardin, Webb, and Logan, be that committee.

When the House adjourned till to-morrow morning at 10 o'clock.

## WEDNESDAY, NOVEMBER 25, 1840.

House met pursuant to adjournment.

The following members appeared, were qualified and took their seats.

From the county of Monroe—WM. H. BISSELL.

From the Jo Daviess District—THOMAS DRUMMOND.

Mr. Turney offered for adoption the following resolution:

*Resolved*, That the Committee on the Judiciary enquire into the expediency of so amending the execution laws as to prevent the sale of property levied on, unless it will bring three-fourths of its value, and that they report by bill or otherwise; which was not agreed to.

message from the Senate, by Mr. Berry, their Secretary:

*Speaker*: I am directed by the Senate to inform the House of Representatives that they have concurred with them in the passage of a reso-

lution to appoint a committee of three on the part of the House, and two on the part of the Senate to wait on the Governor, and inform him that they have organized and ready to receive any communication he may be pleased to send them, and have appointed Messrs. Ralston and Moore the committee on their part.

The House adjourned until 2 o'clock, P. M.

### TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Isaac Funk, a member from the county of McLean appeared, was qualified and took his seat.

Mr. Dougherty offered for adoption the following resolution:

*Resolved*, That the House now proceed to the election of a suitable person to copy the Journals of this House.

Mr. Peck moved to lay the resolution on the table; which was not agreed to, and the resolution was then adopted; and the vote being taken, Newton Cloud received sixty-six votes for copyist of Journal of the House; Mr. Bourland received nine votes; Mr. McNeill received ten votes, and Mr. Allen received one vote.

Those who voted for Mr. Cloud, were,

Messrs. Able, Bailey, Baldwin, Beall, Bentley, Bissell, Blackman, Brown of Vermilion, Bussy, Canady, Cavarly, Cox, Crain, Cunningham, Denny, Dodge, Dollins, Dougherty, Dunlap, Edwards, Emmerson, English, Froman, Gillespie, Hardin, Henderson, Hicks, Hull, Humphrey, Kelly, Laughlin, Leary, Lester, Lincoln, Logan, McClernand, McClurken, McDonald, McGinnis, McLean, Menard, Minshall, Moore, Munsell, Murphy of Cook, Murphy of Perry, Odam, Oliver, Ormsbee, Parkinson, Parsons, Peck, Phelps, Phillips, Reynolds, Ross, Shepley, Threlkeld, Troy, Trumbull, Turney, West, Wheeler, White, Wilson and Woodson—66.

Those voting for Mr. Bourland, were,

Messrs. Barnett, Carpenter, Hankins, Kitchell, Marshall, Prentice, Scott, Wood, and Mr. Speaker—9.

Those voting for Mr. McNeill, were,

Messrs. Bennett, Bradford, Brown of Sangamon, Charles, Darnielle, Drummond, Francis, Funk, Gridley, and Thornton—10.

Mr. Courtright voted for Mr. Allen.

Mr. Cloud having received a majority of all the votes given, was declared duly elected Copyist of the Journals.

Mr. English, from the joint select committee, appointed to wait on his Excellency, the Governor, reported as follows, to wit:

"The joint select committee appointed to wait on his Excellency, the Governor, have performed that duty, and have received for answer, that he will lay before the House of Representatives, on to-morrow morning at ten o'clock, a written communication."

Mr. Peck from the select committee to which was referred the petition and accompanying documents connected with the contested election Peoria county, reported the following resolution for adoption, to wit:

*Resolved*, That the select committee to whom was referred the petition and accompanying documents connected with the contested electi

the county of Peoria, have power to send for persons and papers, and that a subpoena, *duces Tecum* be forthwith issued to William Mitchell, clerk of the county commissioners' court for the said county of Peoria, directing him to bring with him the respective poll-books in his custody, containing the votes given in August last, for Representative to the present General Assembly; which was agreed to.

A message from the Senate by Mr. Berry their Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have adopted the following resolution, viz:

*Resolved by the Senate, the House of Representatives concurring therein,* That a joint select committee of two on the part of the Senate, and three on the part of the House of Representatives be appointed to draft and report joint rules for the government of the two Houses.

In the passage of which they ask the concurrence of the House.

The above message was concurred in, and Messrs. English, Carpenter, and Lincoln appointed on behalf of the House of Representatives.

On motion of Mr. Edwards,

*Resolved,* That a committee of five be appointed to consider and report on the expediency of a distribution among the several States, in a representative ratio, of the proceeds arising from the sales of the public lands, with reference to the effect of such distribution policy upon the future prospects and permanent welfare of the State of Illinois.

*Ordered,* That Messrs. Edwards, Drummond, Brown of Vermilion, Trumbull, and Leary be said committee.

The House adjourned till to-morrow morning at 10 o'clock.

## THURSDAY, NOVEMBER 26, 1840.

The House met pursuant to adjournment.

Mr. PETER GREEN, a Representative from Clay county, appeared, was qualified, and took his seat.

The Speaker laid before the House the following communication from the Attorney General:

To the Honorable Speaker of the House of Representatives of the General Assembly of the State of Illinois, at their twelfth general session begun and held at the city of Springfield, in the year of our Lord one thousand eight hundred and forty:

The undersigned respectfully represents that by the provisions of an act of the General Assembly of the State of Illinois, approved February 20, 1819, it is made the duty of the Attorney General of the State, (and of other officers therein named) "to make a report of all apparent defects, inconsistencies, omissions, unequal or oppressive laws, which each shall have discovered, to the Speaker of the House of Representatives, at the commencement of each and every session of the General Assembly."

In obedience to the direction of that act, the undersigned has the honor to submit to the General Assembly, through their Speaker, the following remarks, which he deems are required of him in his official station. Suggestions herein, are with great diffidence on the part of the undersigned, offered for the consideration of your honorable body, and he

asks that they may be received in a spirit of indulgence and kindness, as he assures you they are frankly and honestly given. The undersigned will confine his remarks in the first place to the criminal code of the State, in which his duties have been most particularly called, during his short service in office.

First. By the 4th and 5th divisions of our criminal code the crimes of treason and murder are punished with death; also, by the 6th and 9th divisions, death, resulting from the crimes of arson and perjury, are punishable with death. It is with great diffidence, indeed, that the undersigned ventures an opinion against the continuance of this ancient and habitual manner of punishment. While life remains the most wicked may repent, the most abandoned may be brought to a sense of moral duty to God and his fellow man; his brutal and malignant passions may be brought under subjection to reason, and his physical powers be made productive of benefit to community by a life of confinement at hard labor. Life being given by God alone, it is believed that it ought not to be taken away by man, unless the safety of society most absolutely demands the sacrifice. While life remains there is yet a hope of reformation, and it is thought that in all cases, the criminal may be so secured by continual confinement in a penitentiary, that society may be protected from his future aggressions—his labor made beneficial to community, and a hope still left that he himself, by a life of penance and repentance of his crimes may yet make a partial atonement to the justice of heaven, and obtain final pardon of him, who hath said “I have no pleasure in the death of him that dieth.” The undersigned would therefore respectfully suggest the propriety of so amending those provisions that solitary confinement to hard labor for life, be substituted for the now required punishment of death.

Second. By the provisions of the 29th section, it is declared that the crime of manslaughter shall be punished by confinement in the penitentiary for a term not more than three years, and a fine of not more than one thousand dollars; the time of confinement may be as short as one hour, and the fine as low as one dollar. Manslaughter is so nearly allied to murder that it is frequently difficult to discover the line which separates the degrees of guilt. Is the life of a human being of so little esteem in our community that it should not be protected from a sacrifice to the hasty passions, violent and vindictive feelings, or the wanton sport or carelessness of any one? Can the imagination of any man conceive so low a degree of manslaughter that the perpetrator should not meet a greater punishment than he who steals goods of the value of five dollars, or he who knowingly passes a counterfeit note for a single dollar on an insolvent bank. The propriety of so amending that section as that the offender may be confined in the penitentiary for a term not less than five, nor more than twenty years, is recommended.

Third. The 47th section defines the crime of mayhem, and prescribes its punishment for the most aggravated case of mayhem; the punishment cannot exceed three years confinement in the penitentiary, and may be as short as one. The perpetrator of the crime of mayhem, is always actuated by a malicious and malignant heart, and most assuredly he who shall cut out the tongue, or put out the eyes of another, merits greater punishment than he who shall burn a canoe or pass a counterfeit dollar. The burning of a water craft of any description subjects the offender to punishment

years confinement in the penitentiary, and any person who shall knowingly pass a piece of counterfeit coin, which may only be of the value of five cents, is liable to imprisonment and hard labor in the penitentiary for fourteen years. I would recommend the amendment of that section (47) so as to fix the term of punishment for mayhem, by confinement in the penitentiary for any term not less than five, nor more than twenty-five years.

Fourth. The 58th section defines the crime of arson, and the punishment for its commission. This is one of the most dangerous crimes to which a civilized and industrious community is liable. This crime is always committed by an incendiary, and generally at a dark hour of the night, when the victim of his malice is sleeping in apparent security. He who intentionally sets on fire the property of another is actuated by an abandoned and malignant heart, with an intent to commit larceny, murder, or to gratify feelings of revenge.

The difficulty of guarding against such an enemy, the safety and repose of society, the protection of both life and property, most imperiously requires that the reckless, revengeful, and malignant being who shall commit the offence of arson, shall be confined for a length of time sufficient to protect society against his further violence. The propriety of so amending that section, (58) as that the punishment for that offence shall not be less than five years, and may extend to thirty years, is strongly recommended.

Fifth. By the provisions of sections 61, 62, and 65 of the criminal code, it is prescribed that no sentence of confinement for the commission of crimes therein named, shall be for a term less than one, nor more than ten years, and in no case to be imprisoned in the penitentiary, if the property taken shall not be of the value of five dollars. I would suggest the propriety of so amending those sections that the terms of confinement should in no case be less than three, nor more than twenty years, and that the limits to the value of the property taken be repealed. It is believed that no good has, or will result to the public, or individuals, by a few days' confinement in the penitentiary. The term of one year is found by experience to be too short a period to correct the offender or protect the public. The disposition of the criminal's mind, the circumstances under which he committed the offence, and the proper means to prevent a repetition of crimes, all ought to be considered in the infliction of punishment. In the State of Illinois, where all the necessaries of life are so abundant and easily acquired, requiring less labor to procure them by honest industry, than by the fraudulent means to obtain, conceal, and retain them, but little can be said in extenuation of such transgressors. If crime has been produced by an unfortunate formation of the moral sense of the mind, by an improper and vicious education in youth, the establishment of idle habits, and a disregard to moral honesty, a single year's confinement in the penitentiary to hard labor cannot heal a morbid mind, correct a vicious education, substitute industrious for idle habits, or awaken the victim to a proper sense of that moral truth none can be happy who are not honest. He who steals a single cent, if opportunity should offer, steal millions, one who would rob another of an egg, would rob him of his whole estate, and any one who would illegally buy or receive stolen goods of a less value than five dollars, he could obtain them, barter for the stolen goods of a whole city.

In three years confinement in the penitentiary at hard labor, it is thought that those small felons may be corrected, by acquiring a mechanical trade, establishing habits of industry, and awakening the victim to a moral sense of his duty to himself and other members of the community. Twenty years it is thought may in many instances be found a period of time short enough to correct an old and hardened offender, and to protect society against his repeated violence, and disregard to the laws of his country. The confinement of a criminal in the jail of a county as a punishment is found to produce no good result, but on the contrary a public injury, by taxing the county with a great and useless expense. The people suffer more punishment than the culprits by the present mode of confinement in the county jail.

Sixth. The restrictions contained in the 129th section of the Criminal Code, intended to prevent the retailing of spirituous liquors in small quantities is thought to be repealed by the operation of an act entitled "An Act to regulate tavern and grocery licenses," approved February 29th, 1839. No penalty is found in the last mentioned act; it is merely recommendatory, not mandatory, having no vindictory provisions whatever. The greatest injury to society from the sale of spirituous liquors results from the small measures by which they are sold by those retail dealers who sell them at a great profit to the unthinking and unfortunate victims of their avarice and cupidity. The first degrees of sin and crime are frequently taken at those licensed or tolerated places of idleness and intoxication, called Groceries, Coffee Houses, Exchanges, and all synonymous terms for places of excess and disorder. There it is that our youths are led astray, and their fathers seduced to their own shame, to the wasting of the most necessary means for the immediate support of them and their families. A father's degradation, a son's disgrace, and the ruin of whole families may be traced back to these haunts of vice.

Can it be thought right to draw public revenue from an immoral source, or to make public profit from the vice, the weakness and misfortune of its members. Can it be thought advisable to license such measures, and thus declare honorable this destructive species of traffic in intoxicating liquors to the destruction of families, and the misery of their members, or rather will it not be found more proper and expedient to interpose some corrective, some preventative measure to protect the unsuspecting and unguarded members of community against their great enemy, their unnatural propensity for intoxicating drink, and their still greater enemy, the retailer who panders to their destructive appetite for mercenary gain, reckless of the honor, health and happiness here and hereafter of the unfortunate victim of his gain. I would therefore recommend that all persons be prohibited from retailing intoxicating liquors in a less quantity than one quart in any situation, or under any circumstances whatsoever. All whose wants may require spirituous liquors, may still procure them when needed much cheaper than they now do. And the great evil resulting from congregated masses at tippling shops to the disturbance of the public peace, and the ruin of its subjects will, it is thought be to a great degree prevented.

Seventh. The 159th section of the Criminal Code, directs "that if a person being an elector, shall vote more than once at any election shall be fined not exceeding one hundred dollars. This act however



not provide for the punishment of an incompetent voter; our peculiar form of government (being truly a representative democracy) can only be sustained by a strict adherence to its fundamental principles. The prescribed suffrage of its constituted members. If one person not authorized by law shall be permitted to vote at our elections, then two or two thousand may, and thus persons of other communities not having any interest in common with us may control our public acts, and thereby destroy the very existence of our democratic government.

If any one knowingly not authorized shall vote, he is not only a trespasser on the political rights of others, but a political thief in a social community, and merit greater punishment than any pecuniary transgressor.

The very existence of our liberties, it is believed depends on the just exercise of our rights of suffrage, and the purity of our elections.

The right of suffrage may properly be esteemed as the fountain of life, and the sustenance of the liberties of a free people, and he who shall invade this important right, and corrupt this fountain, deserves the punishment of a felon.

The dark spirits of envy, the minions of aristocracy and dispositions who have the sound of liberty and democracy, it is feared have entered our political Eden, and are now in the midst of us seeking every opportunity, and using every means to destroy the free government of this Union, with this wicked intent, and with the cunning of their origin, these spirits of evil watch with sleepless eye the polls of our election, assuming the various forms that dissimulation may require. In order to prevent so great an evil, and to correct such offenders, I would recommend the amendment of the 39th section above referred to, by prescribing that any person not authorized who shall fraudulently vote or offer to vote at any election, shall be subject to confinement in the penitentiary for any term not exceeding ten years, nor less than five years, and that all judges of elections who shall knowingly admit such fraudulent votes, and all others who shall aid and abet in such fraudulent transactions shall be subject to the same punishment.

The present election laws have made provisions for the correction of all frauds and mistakes in the election of members of the Legislature and county officers. The election of Governor and Lieutenant Governor are under the supervision of the Legislature, and the election of members of Congress subject to the control of that body. But in the election of President and Vice President of the United States, no provisions have yet been made for the correction of the most manifest error, or the grossest fraud in the election of electors for the appointments of those high officers. The undersigned would respectfully submit to the consideration of the Legislature the propriety of prescribing some measure for the correction of mistakes and frauds if any shall hereafter be committed in the election of electors for President and Vice President of the United States.

Eighth. By the provisions of the 148th section of the Criminal Code, it is declared that any person or persons who shall wilfully or intentionally or negligently and carelessly set on fire, or cause to be set on fire any woods, prairies or other grounds whatsoever in the inhabited parts of this State shall be punished, &c. I would recommend an amendment to that section, providing that if any person shall maliciously or wantonly set on fire any woods or prairies not in his enclosure, it shall subject such person

to confinement in the penitentiary, for a term not exceeding five years at the discretion of the jury, and a fine of not less than twenty-five dollars. All the violations of property by the other crimes and misdemeanors set forth in our criminal code, it is thought have been less injurious to the public than the misdemeanor of setting fire to the woods and prairies. Immense has been the destruction of property occasioned by wantonly, wickedly, and carelessly setting fire to the woods and prairies in the southern part of this State within the last two years. This loss falls exclusively upon the agricultural part of community, the most necessary and the most deserving of protection.

Ninth. The 178th section of the Criminal Code directs that juries in all cases shall be judges of the law and the fact. It is thought that this provision takes from the judge presiding, his heretofore supervisory control in instructing the jurors what he deems to be a true exposition of the law. One great and important means of justice (an impartial and able expounder of the law) under the provisions of this section is entirely excluded. It is important to the people and the accused, that when lawyers disagree on the proper understanding of a law, some one competent, unmoved by passion or interest should have power to decide, and who more properly than a judge specially appointed and sworn to see that justice is rightly administered according to law. I would suggest the propriety of amending that section by adding to the last clause the following: "under the instructions of the court or the law."

Tenth. The act entitled "An act to provide for changing the venue in civil and criminal cases, (found page 606 of the revised laws is thought objectionable in this, that the judge has no discretion given him, should the party most palpably swear falsely, and evidently intending to evade instead of obtain justice, require his trial to be moved to some foreign county. The law is imperative, the judge must comply with his request, although he may be satisfied that the fears of the applicant are without cause, or that his affidavit is wilfully false. An amendment to that act is proposed, allowing the judge when the case set forth is for the prejudice of the people of the county, a discretion to permit the change asked for or not, as he may deem most advisable for the ends of public justice.

Eleventh. The 35th section of an act concerning justices of the peace and constables (found page 396 of our revised laws,) is thought defective; the court can only render judgment against the appellant on a confirmation of the judgment, and not against the security given on the appeal, and the appellee is compelled to a suit at law against the security in the appeal to obtain satisfaction of his judgment, if his execution against the principal shall be returned unsatisfied. The propriety of so amending that section, that judgment shall in all appeals when found against the appellant, or when the appellant shall be non-suited, or shall dismiss his appeal be rendered against the appellant, and his security jointly is respectfully submitted.

Twelfth. It is thought that the 13th, 14th and 15th sections of an act entitled "An act for the relief of insolvent debtors," (found page 351 of the revised laws) conflicts with the provisions of the 1st, 2d, 3d, and 4th sections of that act. By the 1st section of that act, fraud is presumed if the creditor has filed his affidavit, that the debtor has refused to submit his estate in execution; by the 4th section the debtor is enabled to

himself of the imputation of fraud by producing a written schedule of his estate of his indebtedness, and of debts due to him by others subscribed and sworn to by him.

But by the 13th section a jury is required to be summoned, and the fact of fraud ascertained by them before the debtor can be required to make out his schedule, thereby preventing the object of the Legislature and the spirit of the law; a discovery of the effects of the debtor by his oath, which the creditor could not otherwise possibly obtain the remedy prescribed in the first section, is strictly a point of equity between the debtor and creditor, and justice can only be reached in the first instance by means of the oath of both parties. It is thought that the 13th, 14th and 15th sections of that act ought to be repealed.

Thirteenth. The act entitled "An act to amend an act relative to criminal jurisprudence; approved January 30, 1827, intended for the prevention of disorder, and for a proper observance of the Sabbath day; although found in the revised code, page 652, is nevertheless not in force, but was repealed by the General Assembly in 1833, as appears by section 191 of the criminal code. Since 1833, we have had no law requiring a due observance of the Sabbath. I would recommend the propriety of enacting the law so (I presume unintentionally) repealed.

Fourteenth. The 1st section of an act entitled "An act concerning costs," approved January 16th, 1827, directs that if in any case the court shall be satisfied that any plaintiff is unable to pay the costs of suit, it shall be the duty of the court to require such poor plaintiff to give security for the payment of costs, and on failure of such poor plaintiff to give such security to dismiss his suit. Nothing it is thought could be more unjust or oppressive, nothing more tyrannical than such a requirement of a poor and unfortunate suitor in our courts. If he is found so destitute where can he expect to find a friend, who without any hope of remuneration will become responsible. This rule may amount to an entire denial of justice; the poor who too often are found as destitute of friends as of property by reason of this unjust rule may be driven from our courts of justice, because some miserly officer fears that he will not be able to collect from him a few dollars of costs. A wealthy tyrant may by this be enabled to suppress the complaints of the poor, and render them still more miserable by his avarice and fraud. It is true that by the provisions of the 2d section, a poor suitor who is abject enough to ask in the name of a pauper, may be permitted to prosecute without liability for costs. But shall any man who is worthy the name of a freeman in this land of liberty be required to thus degrade and debase himself in his own estimation, and in the estimation of the country; it is thought not. I would recommend the repeal of this provision of the first section as above stated.

Fifteenth. The undersigned would in conclusion recommend the propriety of allowing the Attorney General and Prosecuting Attorneys competent salaries independent of the conviction of offenders, that the Attorney General be paid by the State, and the District Attorneys by the counties respectively in which they may prosecute, and to enable the counties do so without oppression; a further tax of one dollar on all suits hereafter commenced in the several courts with the fees now allowed to the prosecuting Attorney on conviction, be paid into the county treasury for purpose.

It is thought that the prosecuting Attorney for the people ought to stand as impartial as the judge himself, and be placed entirely out of the reach of any desire from pecuniary interest, to obtain a conviction. The people require nothing but the most strict and impartial justice, and most assuredly they ought not to make it the personal interest of any of their officers to ask more.

All of which is respectfully submitted.

W. KITCHELL;

*Attorney General of Ill.*

November 17, 1840.

Which was, on motion, read, and laid on the table.

A message from the Governor, by Mr. Morris, his private Secretary:

*Mr. Speaker:* I am directed by the Governor to lay before the House of Representatives a printed communication.

Mr. Murphy of Cook, from the select committee to which was referred a resolution to prepare and report rules for the government of the House of Representatives during the present session of the Legislature, reported as follows:

The select committee to which was referred a resolution to prepare and report rules for the government of this House during the present session of the Legislature respectfully report, that they recommend for adoption the rules adopted by the Legislature of 1838 and '9, with the following amendments, viz:

Amend the 5th rule by inserting "one day after" before the words "an adjournment."

Amend the 20th rule by placing "to commit or amend" before "to postpone to a day certain" and "to postpone indefinitely."

Amend the 24th rule by adding "but a motion to strike out and insert shall be indivisible."

Amend the 38th rule by striking out all after the words "disposed of" and insert "the orders of the day, and messages and communications on his table."

Add an additional rule, viz:

Rule 39. That no smoking be allowed in the Hall during the hours of session.

Amend rule 46, by adding "a committee on Banks and Corporations;" which report was concurred in.

Mr. Munsell offered for adoption the following preamble and resolutions.

*Whereas*, by the Constitution of the United States, there is no restriction or limitation to the term of office of President of the United States, provided the incumbent can procure his continued re-election;

*And whereas*, it is believed that the re-election of the same individual to the office is of dangerous tendency, by holding out improper inducements to the President to use the vast and hitherto increasing patronage of his office in such manner as will be most likely to secure his re-election and in the hands of an ambitious, not to say unprincipled man, might, as probably would be, used greatly to the public injury, in sapping the foundations of our Republican institutions;

*And whereas*, we believe in the doctrine of rotation in office as being most congenial to our Republican institutions, and best calculated to preserve them; therefore,

*Be it resolved by the Senate and House of Representatives of the State of Illinois, in General Assembly met*, That our Senators in Congress be instructed, and our Representatives requested, to use their influence to procure such alteration or amendment of the Constitution of the United States as will render the same individual perpetually ineligible to the office of President after having once filled said office.

*Resolved*, That his Excellency, the Governor, be requested to forward to each of our Senators and Representatives in Congress, copies of this preamble and resolutions; which was read, and on motion, laid on the table.

Mr. Wheeler moved for adoption the following resolutions:

*Resolved*, That we believe the clerks of the circuit court ought to be dependent on the people for tenure of their office.

*Resolved*, That a committee of seven be appointed whose duty it shall be to enquire into the expediency of a law limiting the time of holding the office of clerk to two years, and to prescribe the mode of referring the subject to the people, the source of all political power, and report by bill or otherwise; which

On motion of Mr. Dougherty,

Was laid on the table.

On motion of Mr. Peck,

*Resolved*, That the Committee on Elections be instructed to enquire into the expediency of so amending the election laws as to compel every voter to vote in the precinct in which he resides; which was agreed to.

Mr. Speaker laid before the House a printed communication from the Governor, as follows:

*Gentlemen of the Senate, and of the  
House of Representatives:*

You are convened in pursuance of my proclamation of the 15th of October last, and it now becomes my duty to communicate to you the reason of your convocation. While we have abundant cause to be devoutly thankful to an over-ruling Providence for the success which has every where attended industry—bountifully rewarded the husbandman for his labor—it is to be deeply deplored that our State is measurably overwhelmed with pecuniary embarrassments.

These embarrassments have grown out of our system of internal improvements, adopted by improvident legislation, at a time when the delusive phantom of speculation seemed to have taken possession of the human mind, and led the world into extravagance and error; and however deeply we may regret the evil which this system has entailed upon us, it would be unwise and unpatriotic to shrink from the responsibility of applying your best efforts to the pecuniary redemption of the State, and the preservation of her honor. The vast debt she has already incurred must be paid, and this can only be done by a strict and rigid maintenance of her credit abroad, and the wisdom with which her measures are directed at home. Failure to meet promptly a single one of her engagements would throw around her future operations difficulties which would prove fatal to her character and interest, and in a great degree paralyze her energies.

Although there may be but one opinion among our citizens, that the money for which we are indebted has been injudiciously appropriated, still their virtue and patriotism, their high sense of honor and justice, imperiously forbid delinquency in its payments. I am clearly convinced that they would look upon no calamity which might befall them so great and humiliating as that which would strip them of their reputation for punctuality and probity in their engagements.

When a State loses sight of these paramount considerations in her public policy—when she ceases to hold integrity up to the world as the polar star of her legislation—when she becomes careless of her standing among the communities around her, she will settle down into hopeless degradation, and become the scorn and contempt of the world. Strongly impressed with these sentiments, I have convoked you at the present time, that you may be enabled to provide means for the payment of the interest, which will fall due on the first Monday in January next, on the internal improvement debt. The immense amount of State securities in the market—the general derangement of financial affairs in this and other countries—the suspension of specie payments by the banks, and the contractions of their issues, rendering the difficulties encountered in obtaining money for any purpose almost insurmountable, together with the shortness of time intervening between the period fixed by the Constitution for your regular meeting, and the first Monday in January succeeding, when the interest becomes due, presented doubts to my mind whether the Legislature, if they did not assemble previous to the commencement of their regular session, could adopt suitable measures for the purpose of providing the necessary funds to enable the Fund Commissioner to avail himself of their advantages so as to meet the pending obligation of the State. To obviate these objections I have called you together, and cannot but hope you will act in the premises with promptitude and wisdom, and thus preserve unsullied our plighted faith.

Unless our internal improvement stock should rise above its present selling price in the eastern cities, no alternative has been presented to my mind to meet the exigency but the hypothecation or sale of State bonds below par, which cannot be done under existing laws, but which would be preferable to the loss of honor or the prostration of the character and credit of the State.

The following table will exhibit the financial condition of the State, her indebtedness and resources, and the amount of interest to be paid on the internal improvement debt, on the first Monday of January next:

|   |   |   |   |             |
|---|---|---|---|-------------|
| Amount of internal improvement stock sold for railroad and river improvements,  | - | - | - | \$3,187,000 |
| Amount on account of railroad iron,   | - | - | - | 500,000     |
| £50,000 advanced by Messrs. Wright & Co. of London, amounting to near \$250,000, being part of \$1,500,000 of internal improvement bonds placed in the hands of said Wright & Co. as agent for Messrs. Rawlings & Oakley, Fund Commissioners, | - | - | - | 250,000     |
| Amount due Bank of Illinois for money advanced, and interest on same, about   | - | - | - | 238,000     |
| Amount due State Bank of Illinois for same,   | - | - | - | 50,000      |
| Internal improvement scrip issued, about  | - | - | - | 800,000     |

|  |   |   |   |         |
|--|---|---|---|---------|
| Unadjusted accounts with contractors for work done this year,<br>and for damages, about    | - | - | - | 300,000 |
| Amount due Bank of United States for advances on shipments<br>of railroad iron, &c., about | - | - | - | 20,000  |

|  |             |
|--|-------------|
| Total amount of debt on account of internal improvement, | \$5,345,000 |
| Bank and internal improvement stock                      | - 2,665,000 |

Total bank and internal improvement debt - \$8,010,000

For \$2,606,500 of the above internal improvement debt,  
bonds have been sold upon which interest is due in Jan-  
uary next, exclusive of bank and internal improvement  
stock, amounting at that time to the sum of - \$78,195 00

The residue of the above indebtedness consists in internal im-  
provement bonds sold and not paid for, moneys advanced  
by banks and debts due for internal improvement scrip,  
and to contractors, &c., amounting in the aggregate to 2,738,500 00

Illinois and Michigan Canal Stock sold, - 3,400,000 00

Amount due to Messrs. Wright & Co. for £30,000 advanc-  
ed on contract with Judge Young, amounting, with in-  
terest, to - 150,000 00

Canal scrip issued last spring, - 400,000 00

Total amount of Canal debt, - 3,950,000 00

*Recapitulation.*

Total internal improvement debt, - 5,345,000 00

Total bank stock, - 2,665,000 00

Illinois and Michigan Canal debt, - 3,950,000 00

Total amount of debt on account of banks, internal im-  
provements, and canal, - \$11,960,000 00

To which may be added, for revenue purposes, the follow-  
ing sums:

Amount due school fund, - 807,585 39

Amount due Bank of Illinois for advances on account of  
State House, - 80,097 00

Amount due State Bank do., and for

Auditor's warrants for current expenses, paid by State  
Bank, - 190,000 00

Bonds sold to the Poughkeepsie Locomotive Engine Co., 128,000 00

Liability on account of surplus revenue, - 477,919 44

Total amount of liability, - \$13,643,601 83

Deducting from the above amount \$1,336,419 44, being  
the amount of surplus revenue, and bonds sold which are  
not paid for, and the State pays interest upon - 12,207,182 39

Annual interest thereon, - 732,430 92

Assuming that the resources of the canal and the bank divi-  
sions will furnish the means to pay the interest accruing  
their respective accounts for the next two years, the  
left unprovided for on account of internal improve-  
ments will be - 4,764,500



|                          |   |   |   |   |         |
|--------------------------|---|---|---|---|---------|
| Annual interest thereon, | - | - | - | - | 285,870 |
|--------------------------|---|---|---|---|---------|

The following unavailable debts are due to the internal improvement fund for bonds sold, and are included in the above table of indebtedness, but upon which interest is not computed:

|                                   |   |   |   |           |
|-----------------------------------|---|---|---|-----------|
| From John Delafield, of New York, | - | - | - | \$433,000 |
| “ A. H. Bangs & Co,               | - | - | - | 50,000    |
| “ Bank of Commerce at Buffalo,    | - | - | - | 90,000    |
| “ Commercial Bank at Buffalo,     | - | - | - | 90,000    |
| “ Erie County Bank,               | - | - | - | 67,500    |

|              |   |   |   |   |           |
|--------------|---|---|---|---|-----------|
| Amounting to | - | - | - | - | \$730,500 |
|--------------|---|---|---|---|-----------|

To which unavailable resources may be added lands owned by the State, also at present unavailable, 40,332 acres

The following resources of the canal at the present time may be considered as unavailable:

|   |   |   |             |
|---|---|---|-------------|
| The amount due prior to 1840 from sales of town lots, and miscellaneous sales of wood and timber, | - | - | \$1,047,654 |
|---|---|---|-------------|

|   |   |   |        |
|---|---|---|--------|
| For sales of land in June last, as per statement of the President of the Canal Board, | - | - | 70,000 |
|---|---|---|--------|

At the date of my last message, 270,182 acres of canal lands remained unsold, since which time I have received no report from the Board of Canal Commissioners, and consequently am unable to state the number of acres that has, subsequent to that time, been disposed of.

A failure to collect the amount due from John Delafield and others, or any part thereof, would render it impossible for the Fund Commissioner to pay the interest falling due on the first Monday of January next on the internal improvement debt, and is the sole cause of your being convened prior to the time fixed by the Constitution. A bill has been filed against Mr. Delafield in the Circuit Court of the United States for the southern District of New York, to restrain him from negotiating the bonds he received, as it is presumed he is neither willing nor able to pay for them. If this should prove true, the State is under no equitable or moral obligation to redeem them. While, therefore, I would admonish you to be sensibly alive to, and zealously watchful of her integrity and honor, I cannot believe she is in duty bound to fulfil an engagement where the other contracting party fails to comply with its conditions. The principles involved in this question have long been recognized by the highest judicial tribunals upon earth, as between individuals, and it would be difficult to discriminate between a case of that nature and the present.

The same reasons which govern the case of Mr. Delafield apply with equal force to the contracts with A. H. Bangs & Co. and the banks specified, should they pursue the same course. It is, however, probable that the Bank of Commerce at Buffalo will return the bonds she obtained to the State, and that the Commercial and Erie County Banks will discharge their liabilities in scrip.

The amount of \$128,000 of bonds was sold by Gov. Reynolds and General Rawlings to the Poughkeepsie Locomotive Engine Company, to be paid for in eight quarterly instalments of \$1600 each, at the Atlantic Bank of New York.

This negotiation was made under an act to authorize a loan for revenue purposes, to be applied to the erection of the state house, and the instal-

ments were transferred, as they became due, to the Bank of Illinois for advances made by that institution for the above object. Four of these instalments are now due, but none of them being paid, suit was instituted by the bank for their recovery. Doubts, however, are entertained of the solvency of the company, and should it fail, the bonds received by it should be placed upon the same footing as those received by other delinquent purchasers.

Having laid before you the financial condition of the State, her available and unavailable resources, in comparison with her indebtedness, the dictates of sound policy require at your hands the adoption of the wisest and most judicious measures to relieve her present necessities, and provide for her future liabilities. It may truly be said, that no former period of our political history presented questions of such deep and absorbing interest. The future destiny of the State for weal or for woe depends upon the direction of the crisis. Unfortunately, at an unguarded moment, she was allured from the path of wisdom and economy by the seductive spirit of speculation, and the wild phrenzy of popular delusion, which spread over every part of the Union, and induced to embark in an extensive system of internal improvements at a period when the country was literally deluged with an inflated circulating medium, which gave the semblance of success to the most visionary and chimerical enterprises. But a general suspension of specie payments by the banks following close upon the seemingly eminent and rapid advancement of the country, and the sudden united and continued withdrawal of their unnatural circulation, spread gloom and dismay, instead of permanent wealth and prosperity; and so extensive and overwhelming has been the change in monetary affairs, that its effects have operated like a spell upon every department of business throughout the country, and nothing but prudence and time, united with the energies and patriotism of the people, can overcome its withering and desolating consequences. With steady perseverance, however, and well directed industry, favored, as we are, with the most fertile soil upon the globe; with a vast extent of territory, susceptible of the most dense population, abounding with natural advantages, and intersected and surrounded with navigation, settled and settling with a population proverbial for their enterprise; can it be doubted that the State will gradually be redeemed from her embarrassments, and ultimately complete such portions of the system as wisdom may dictate, and our interest demand, and thus maintain her dignity and honor unimpaired? Surely her representatives will never consent to be placed in the humiliating attitude of being the first in the Union to abandon their plighted faith. Such an act would be contrary to their interest, derogatory to their pride and integrity, and too monstrously absurd to be for a moment entertained.

A renewal, however, of operations upon our public works, or any portion thereof, at the present time, seems to be forbid by the condition of our finances. The immense debt already fastened upon us, the impossibility of effecting a sale of State bonds at par, and the general derangement of financial affairs, present to my mind insurmountable obstacles to their further prosecution under existing circumstances. But should your wisdom dictate otherwise, and you determine to proceed with a portion of them, then the salutary lessons of experience we have had, and every principle of economy and public interest, point out the plan of opera-

tions too obviously to be misapprehended either as regards the present or any future period.

All the means and energy employed should be concentrated on the most useful and important road first, until that is completed, and then the next important, until all are finished.

By pursuing this course, the income upon the roads in operation would in all probability pay the interest upon their cost, and greatly facilitate the construction of others, while the comparative amount of money which might be required, could be obtained on more favorable terms. The question, therefore, naturally arises, whether we proceed with our internal improvement system or not, what policy can be adopted which will best subserve the present emergency, and promote the public weal in our future operations. Laying aside any doubt as it regards the payment of the January interest, which can only be done by the hypothecation or sale of State bonds at some price, how is a permanent fund to be provided to meet the future interest, and, eventually, the principal, as they respectively become due and payable.

The policy of paying the interest out of the money borrowed must ere long be abandoned, and the only alternatives which have suggested themselves to me is an increase of our banking capital, and a resort to direct taxation. The solution of these questions call into requisition the united wisdom of this General Assembly; and, in order to enable you to arrive at a correct conclusion, and settle down upon a policy, the momentous consequences of which deeply involve the interest and patriotism of the people, too much care cannot be taken in adopting the line of action to be pursued. Shall the first alternative be adopted? The consequences attendant upon and inseparably connected with an increase of our banking capital, should be narrowly scanned and well weighed in the balance before venturing upon such a resort. In the first place, should that policy be pursued, the capital cannot be obtained without involving the State in an additional debt corresponding with the increase; and if obtained, could such a resource be relied upon to pay any portion of our liabilities beyond the interest accruing upon its own account? To insure such a result to an extent commensurate with the object for which it would be designed, you would necessarily be compelled to raise the interest upon bank accommodations to ten or twelve per cent., and in this way tax the people some five or six per cent. upon the whole amount of notes issued under such a system, the benefit of which would accrue as well to the private stockholder as to the State. Then, if the bank should be well managed, we might expect the highest dividends, but the late and repeated expansions, suspensions, and contractions of the banks generally, furnish ample proof that the paper system is fundamentally wrong in principle, destructive in practice, and at war with the best interest of the country, and the genius and spirit of our republican institutions. Its tendency and inevitable result is, to spread merely the appearance of prosperity for a season, and then gloom, revulsion, and distress; thus proving that it has no power to regulate and render stable the currency of the country.

Whatever plan may be devised to provide means to pay off the liabilities of the State, none can be adopted that will not operate as a tax upon the property and industry of our citizens; and it ought not to be concealed that if the vast debt which has been incurred on account of our in-

ternal improvements is ever paid, it must be done through the medium of taxation. The dictates of wisdom and prudence, as well as sound policy, therefore, require that the most simple and economical plan should be pursued; and it only remains to determine between a direct and an indirect mode. I am aware it has often been alleged that the people would not submit to a system of direct taxation; hence, the erroneous, ruinous and irrepublican policy of indirect taxation has crept into our institutions, and so fearful have legislators been of the indignation of their constituents that the sources of its origin have been carefully concealed; to which cause, more than any other, may be attributed the host of monopolies, with their train of desolating evils, that are fastened and preying upon the vitals of the country. By such an iniquitous system large and excessive revenues are collected, and, consequently, wild and extravagant appropriations made. If, in a Government like ours, based upon the virtue and intelligence, and administered by the will of its citizens, we are to be told that they will not tolerate the most economical, certain and effectual mode of discharging their liabilities, then, indeed, we are compelled, however reluctant, to subscribe to the federal doctrine of their incompetency to regulate their own affairs, and constrained to acknowledge that we only enjoy the name and shadow and not the reality of republicanism.

But being, as I am, firmly persuaded that they are always patriotic in their sentiments; instead of temporary expedients, I have no doubt they would gladly embrace the most direct and judicious plan to relieve themselves from any embarrassments in which they may be involved. This would especially be true if they were always kept acquainted with their real condition, which would place them upon their guard, and enable them to avoid many calamities which otherwise would be entailed upon them. I cannot therefore, consistently with that duty I owe to the public welfare or my private feelings recommend to your favorable consideration an increase of our banking capital as a source of revenue or for any purpose whatever. I do not believe the people require it, or, if they did, that it would afford them any assistance.

The question hence arises whether we shall resort to direct taxation. I am clearly of opinion that it would be better to postpone the adoption of this policy for the ensuing two years. Although an increase of taxes may ultimately be inevitable, yet, under existing laws, the amount collected will annually become greatly enhanced.

The vast quantity of public lands entered in 1835, '6, '7 and '8, which are not yet taxable; the continued increase of wealth pouring into our State through the channels of emigration and trade, and the present scarcity of money, point out the propriety of making a loan to meet the interest upon our internal improvement debt until your next regular session.—The quantity of lands entered during the year 1835 and 1836 exceeds 5,229,227 acres. Estimating its value at \$5 per acre, the additional revenue which will annually arise from this source under the present law, after the expiration of one and two years will be \$52,292 26, and an undiminished augmentation from lands entered in 1837 and '8 will be continued, and so on continually, at a less rapid rate, however, for many years to come.

By setting apart, and exclusively applying the proceeds arising from this continual, unfailing and increasing source of revenue to the liquidation of the interest of our internal improvement debt, and by adopting

rigid economy in the public expenditures of the State, the lands now taxable, together with the personal property, will ere long, yield a surplus, which added to the above resources, will go far towards the payment of that interest as it accrues. Under this policy the augmentation of taxes, when resorted to, would be comparatively of inconsiderable amount. In connection with this subject, I would suggest the propriety of reducing the county levies of taxes, and in the same, or less proportion, increasing the State taxes. By amending the revenue law so as to limit the county tax to one fifth, and increasing the State tax to one fourth per centum, the taxes would be reduced instead of increased. and the counties would still, with proper economy, be supplied with means to meet all necessary expenditures.

In the meantime, or before resort is had to an increase of taxes, the State may derive aid from other sources. Mr. Calhoun, of South Carolina, at the last session of Congress, introduced into that body a bill ceding to the States the public lands lying within their respective limits, on condition of their paying into the National Treasury, on the first of February annually, one half of the proceeds arising from the sales, reserving the other half to themselves. The adoption of this measure would be nothing but an act of justice to the new States, and coming, as it does, from a distinguished southern Senator, it exhibits the liberal and enlightened policy of the statesman. In view of its justice and propriety I would recommend that you instruct our Senators and request our Representatives in Congress to use their endeavors to procure its passage.

The issue of scrip on account of the internal improvement system and canal, has resulted, like most other temporary expedients, in a great depreciation of its value, which is working a pernicious influence upon the interest and credit of the State. Large amounts of it have been purchased by speculators at prices greatly below par, to the injury of the community, to an amount corresponding with its depreciation, and but little hope can be entertained of advanced prices so long as its circulation is continued as an article of trade. I would, therefore, respectfully recommend the adoption of such measures as will provide the means for its earliest redemption.

In the month of March last, General Thornton and others, as a committee on the part of the canal contractors, visited me for the purpose of making arrangements to provide means to pay off the estimates as they would become due for the remaining part of the year; alledging that unless a positive assurance was given that the money would be forthcoming to meet these estimates, the contractors would be forced to abandon their contracts, and that in this event general distress and bankruptcy in most cases would ensue, and consequently great loss to the State. Knowing that bonds could not, at that time, be sold at par to raise money for that purpose, they proposed, on the part of the contractors, that bonds should be placed in the hands of suitable agents to the probable amount of the expenditures for the year, to be paid to them at par; to which I assented, conditioned that the bonds so paid should be placed in the hands of an agent whom I might approve, to be sold for their benefit in our eastern cities or a foreign market to which condition they assented, and I, therefore, placed in the hands of Gen. Thornton, Canal Commissioner, \$1,200,000 in bonds for that purpose, \$1000,000 of which has since been sold by him in London, as agent for the contractors, at the rate of eighty-five percent., which has

enabled them to prosecute the work on the canal throughout the season with energy and success, and, as I am informed, without loss, as the reduction in the price of labor, provisions and materials has equalled the fifteen per cent reduction on the bonds. Under the circumstances, I would suggest the propriety of the State incurring the expense and compensation of the agent while engaged in the performance of his agency. This would seem to be just and equitable, as the payment of bonds, instead of money, to the contractors, superseded the necessity, on my part, of employing an agent to sell them in a foreign market, and consequently threw the expense and responsibility of the negotiation upon the contractors themselves, besides the loss of fifteen per centum upon the whole amount of bonds sold. It is proper that I should here remark, that I exceedingly regretted the necessity of paying the contractors with bonds, but as money could not be raised by a sale of them at par, to meet the estimates on the canal as they became due, and the contractors proposed to receive them at that rate, and hazard a sale of them on their own account, I felt constrained from a sense of duty towards them, and good faith on the part of the State, to place the bonds in the hands of the Canal Commissioners for their benefit.

By an act of the 1st of February last, the Commissioners of the Illinois and Michigan canal were required "to sell so much of the canal lands and lots the present year as were required to pay the interest on loans made for canal purposes." As early as April last the President of the Board verbally informed me that it would be impossible to realize money from the sale of these lands to pay the interest due in July following, and, consequently, other means were necessary to be resorted to to furnish the funds for that purpose. To meet the interest upon bonds sold prior to 1839 by Gov. Duncan, and payable in New York, the sum of \$30,000 was loaned by Col. Mather, President of the State Bank of Illinois, and to pay that portion of the interest falling due in Europe, a draft was drawn by Judge Young upon Messrs. John Wright & Co., of London, for £20,000, it being part of £30,000 advanced by said company on a contract for \$1,000,000 canal bonds entered into in October, 1839. £10,000 being the residue of the above £30,000 advanced by said Wright & Co. has been placed on deposit in the U. S. Bank, and I have instructed Judge Young to apply so much thereof as may be necessary for the payment of the interest becoming due in N. York on the first Monday of January next; and I am informed by Gen. Thornton that the means are provided to meet the interest due in London at the same time. As the contract with the Messrs. Wright & Co. was much animadverted upon by the last Legislature, notwithstanding I was convinced that no sale could be made more advantageous to the State at the time it was effected or during the present year, yet I hesitated much before assenting to its confirmation. Being, however, informed that no other means could be obtained to meet the July interest in London to prevent a forfeiture of good faith on the part of the State, I at once determined to confirm the contract. The residue of the bonds, after deducting the £30,000 advanced, still remain in the hands of Messrs. Wright & Co., and are as yet unavailable to the canal fund. If they are not sold prior to the 1st day of April next, the contract ceases by its own stipulations, and, in that event, no means are provided for the prosecution of the work on the canal for the ensuing year.

Subsequent to being informed by Gen. Thornton, that canal lands could

not be sold to meet the July interest upon the canal debt, he communicated to me, that in June last, the Board effected a sale, to the amount of \$70,000.

Whether the money is available or not, I am uninformed, not having been furnished with the proceedings, or report of said Board during the year, which prevents me from laying before you as full and complete a statement, in relation to the progress and condition of the Canal, as I desired.

About \$2,215,000 of Canal stock has been sold under the act of 1839, leaving a balance, authorized to be sold by said act, of \$1,755,000; but the present depreciation of American securities does not afford a reasonable expectation that a sale can be made of the residue of the stock at par, in time to meet the wants of the Canal. The great amount already expended upon this stupendous work, and the vast sum yet required for its completion, a portion of which must be immediately had, presents a subject for your consideration well worthy of mature deliberation. The accruing interest upon the debt which has already been incurred, the delapidation of the work which has been done, and the destruction of fixtures and other preparations for its prosecution, the loss of which must fall upon the State if it is abandoned, seems to forbid its suspension. It is, therefore, submitted to your wisdom and discretion what means are to be provided for its future progress. In view of the difficulties to be encountered in obtaining money, I would renew my former recommendation of selling so much of the Canal lands as will be sufficient to pay the accruing interest upon its debt.

Rigid accountability being essential to the fidelity of public officers, I feel it my duty again to recommend a thorough and rigid scrutiny into the conduct of all those connected with the management of our finances.

It again becomes my duty to call your attention to the suspension of specie payments by the State Bank, and the Bank of Illinois, at Shawneetown. The frequent failures of institutions of this character to meet punctually their engagements, solemnly admonish us that they can never be of any permanent utility, until the security to the public that their notes will be redeemed upon presentation, is increased, and they are thrown entirely upon their own resources, instead of Legislative indulgence. Twice, in the short space of two years, have they violated their obligations, and twice has that violation received legislative sanction. It is to be hoped, however, that a similar occurrence will not again take place, and that our Banks will prepare for resumption of specie payments at an early day, and, at least, take care of themselves for the future.

Having found no cause to change my sentiments in relation to the banking system generally since the date of my last message, it is unnecessary that I should enter upon that subject at length on the present occasion. The pernicious consequences inflicted upon the country by the operations of Banks, within the last few years, is too indelibly stamped upon every department of business to be misapprehended by the most sceptical. The fluctuation in the prices of labor, property and trade of every description, have kept pace with the alternate expansions and contractions of their issues; and whether the injuries thus sustained are attributable to their guilt or innocence, the effect upon the prosperi-



ty of the people is the same. So interwoven have the affairs of our citizens become with those institutions, that it cannot be denied that they control and direct the circulating medium, commerce and wealth of the country; and not only so, they frequently wring from legislative bodies an acknowledgment of their utility, and exercise an influence over the public mind which it is difficult to overcome. Thus have they fortified themselves behind an almost invulnerable rampart, erected by encroachment, and justified by the tyrant's plea, "necessity."

Usurpations of whatever character are usually preceded with the persuasion that they are essential to the advancement of the people in the scale of prosperity and happiness; and in this way they are stripped of their rights, and bound in the chains of political slavery before they are aware of the danger. To guard against such startling power, concentrated in Banks, all the virtue and energy of the patriot must be called into action, and constant requisition. Already one important blow has been struck for the severance of this power from the Government: its deadly grasp was broken by the adoption of the Independent Treasury. If this salutary measure of public safety continues in operation, it will exercise a healthy and controlling influence upon their issues, limit the amount collected to the wants of the Government, and teach them the necessity of relying entirely upon their own resources. If they are deprived of the public revenue, and, consequently, a participation in the management of a momentous department of public business, it will be impossible for them successfully to attribute their revulsions and suspensions to the existing administration. The whole world would know the fault was alone their own, and their labors to conceal it would add a deeper stain to their guilt. However true the argument, that they afford facilities to trade and commerce, the conclusion would be preposterous, that these facilities would be more certain and useful if they were connected with the management of our national finances.

Being convinced of the propriety of providing a fair compensation for prosecuting attorneys, I regard an increase of their salaries as absolutely necessary to the advancement of the public welfare. It will be impossible to command the best talents of the State, in the administration of justice, which is highly essential, if a fair and just equivalent is not held out for the enlistment of that talent. The adoption of this course, instead of being a useless expenditure of money, would, I have no doubt, conduce to that economy, which is imperiously demanded by our condition.

Although I know of no instance of any individual coming from another State into ours to vote, yet I have been informed from sources in which I place the utmost reliance, that extensive arrangements were concerted among a portion of the citizens of another State to come into Illinois for that purpose at our recent election for President and Vice President. In view of the danger to which we are exposed from such innovations along the borders of the State swept by the Mississippi and Ohio rivers, I feel it my duty to recommend the passage of a law, providing for the apprehension and rigid punishment of offenders who may invade the rights of the elective franchise. The startling frauds which have recently been perpetrated in New York and other places for the



destruction of these sacred rights, I regard as little better than high treason, and striking a deadly blow at the foundation of the government.

A frequent recurrence to fundamental doctrines being essential to the perpetuity of free government, it is a matter of the first consideration, that we keep the respective political rights of the Union, the States, and the people clearly defined. The security of each depends upon the separation and well regulated balance of power between them; and care should, therefore, be taken to prevent strengthening the arm of the Confederacy. Congress should exercise no power but such as has been expressly delegated, or is absolutely necessary to carry the delegated power into effect. There is certainly no necessity for encroachments upon state sovereignty or individual privileges. If the General Government will protect us from foreign invasion and domestic insurrection, the great object of its formation, and deal out justice with an impartial hand, it is all we can expect or desire. The one will leave us in the quiet enjoyment of our pursuits, while the other will afford us no cause of complaint. But when it draws within its grasp powers never surrendered to it, and adopts partial legislation as the rule of its action, then, indeed, it is verging rapidly to monarchy, and may justly alarm the fears of the patriot.

The idea that the people should look up to it for assistance in times of pecuniary distress, is most revolutionary in its tendency, and this revolution is speeded in its object when the laws are directed to the promotion of private interest, instead of the general good. Hence, the various and diversified charters granted to monopolizing companies, are sapping the foundation of the Republic, destroying the equality of citizens, and creating distinctions in society. In the pure republican days of the Revolution, merit and demerit, virtue and vice, alone drew the line of separation between one man and another: now the pampered fed monopolist scorns an association with honest poverty. Why is this? It is because the Government lost sight of the object of its formation, and by venturing upon special grants of power, gave rise to a modern aristocracy, who are mere consumers, living on the productions of the poor man's labor; and although the pernicious effects of such legislation may be unobserved by many, still it is leading to the most fatal consequences—I fear to civil revolution.

Ours was intended to be a government of limited power, plain in its construction, and economical in its administration; not one of unbounded sway, special privileges, hereditary descents, titles and nobility. Yet its frequent inroads upon individual rights, and the sovereignty of the States, furnish living memorials of its increasing strength, and solemnly warn us to be vigilant and active in the maintenance of our independence. Although the virtue and patriotism of the people were enabled to triumph over a National Bank, the alien and sedition laws, and their kindred acts, they may yet yield their freedom to the same despotic spirit, which, always restless, and never wearied in its exertion for conquest, approaches them under various disguises. Fearful of an appeal to their reason, resort is had to show and parade to inflame their passions; thus proving that, while their influence is courted, the utmost contempt is entertained for their intelligence. The history of all republics which have preceded us bear evidence to the fact, that the wily and ambitious

usually resort to such resources to corrupt the public mind and public morals previous to seizing upon the reins of supreme authority; and if we do not guard ourselves against such insidious devices, we will lose our liberties in the same way, and have nothing but the wreck of a violated Constitution, and a ruined country to transmit as a legacy to our children. Let the Government be free from monopolies and the influence of wealth, just in its administration, and economical in its expenditures, liberal in its policy, and free from encroachments, taking care of itself, and leaving the people as much as possible to the enjoyment of their own pursuits, and it will insure its own perpetuity, and the freedom of its citizens.

Having called your attention to various interests of the State which presented themselves to my mind as worthy of your first consideration, I doubt not that such as I have omitted will be suggested by your own wisdom. Hoping that you may be guided by patriotism in all your deliberations, and a sincere desire for the promotion of the public welfare, and that your labors may be crowned with signal success, I take my leave of you with earnest benedictions to Almighty God for your happiness individually and collectively.

THO. CARLIN.

SPRINGFIELD, November 26, 1840.

Which being read, was,

On motion of Mr. Logan,

Laid on the table.

Mr. Leary moved the printing of 10,000 copies.

Mr. Murphy of Cook moved 5,000 copies.

Mr. Logan moved 3,000 copies.

Mr. English moved 8,000 copies.

The vote being taken on printing 10,000,

It was decided in the negative.

The vote being taken on printing 8,000, the yeas and nays were called for by Messrs. Lincoln and Henderson,

It was decided in the negative, as follows:

Those who voted in the affirmative, were,

Messrs. Barnett, Bentley, Bissell, Blackman, Bussy, Carpenter, Cavarly, Courtright, Dodge, Dollins, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, McClernand, McClurken, McDonald, Marshall, Moore, Murphy of Cook, Odam, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—42.

Those who voted in the negative, were,

Messrs. Able, Bailey, Baldwin, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermillion, Canady, Charles, Cox, Crain, Cunningham, Darnielle, Denny, Dougherty, Drummond, Edwards, Emerson, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Hull, Lincoln, Logan, McGinnis, McLean, Menard, Minshall, Munsell, Murphy of Perry, Oliver, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Webb, West, and Woodson—46.

Mr. Parsons moved the printing of 6,000 copies, and the vote being taken thereon,

It was decided in the negative.

The vote being taken on the printing of 5,000 copies,

It was decided in the affirmative.

On motion of Mr. Cavarly,

*Resolved*, That a committee of two on the part of the House be appointed to meet such committee as may be appointed by the Senate to carry into effect a resolution passed by the House, relative to an exchange of rooms.

*Ordered*, That Messrs. Cavarly and Kitchell constitute said committee.

On motion,

The House adjourned,

### FRIDAY, NOVEMBER 27, 1840.

House met pursuant to adjournment.

Mr. Peck presented the petition of Samuel Hoard of Cook county, praying for extension of time, until the first day of January, 1841, to complete taking the census of said county; the reading of which was on his motion dispensed with, and the same referred to a select committee.

*Ordered*, That Messrs. Peck, Dodge and Wheeler be that committee.

On motion of Mr. Murphy of Perry,

*Resolved*, That so much of the Governor's message as relates to internal improvements be referred to the committee on internal improvements.

*Resolved*, That so much as relates to raising means to pay interest on loans already made be referred to the Committee on Finance.

*Resolved*, That so much as relates to the elective franchise be referred to the Committee on Elections.

*Resolved*, That so much as relates to Calhoun's land bill be referred to the Committee on Finance.

Mr. Waters, Representative from Pope county appeared, was qualified and took his seat.

Mr. McLean offered for adoption the following resolution:

*Resolved*, That the Committee on the Judiciary be instructed to enquire into the expediency of the passage of a law, staying all proceedings on judgments and executions, until the close of the present session of the General Assembly, and that they also enquire into the expediency of the passage of a law allowing a replevy for the term of three years, on all executions, where the estate or property taken in execution, does not sell for two-thirds of its valuation the first time it shall be offered for sale, and that they report by bill or otherwise.

On motion of Mr. Carpenter,

The question was divided, so as to take the vote on each clause separately.

On motion of Mr. Minshall,

The first clause was laid on the table.

The yeas and nays being called on the adoption of the last clause,

It was decided in the negative as follows:

Those who voted in the affirmative, are,

Messrs. Able, Bentley, Bissell, Carpenter, Courtright, Crain, Dodge, Dollins, Dunlap, English, Hankins, Hicks, Hull, Humphrey, Kitchell, Laughlin, Lester, Logan, McClurken, McDonald, McLean, Marshall, Menard, Minshall, Moore, Murphy of Perry, Odam, Oliver, Parsons, Perk, Prentice, Scott, Turney, Waters, Wheeler, Wood, and Mr. Speaker—37.

Those who voted in the negative, are,  
Messrs. Bailey, Baldwin, Barnett, Beall, Bennett, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Bussy, Canady, Cavarly, Charles, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Edwards, Emmerson, Francis, Froman, Gillespie, Gridley, Kelly, Leary, McClernand, McGinnis, Munsell, Murphy of Cook, Ormsbee, Parkinson, Phillips, Reynolds, Ross, Shepley, Thornton, Threlkeld, Troy, Trumbull, Webb, West, White, Wilson, Woodson—46.

On motion of Mr. Peck,

*Resolved*, That the select committee appointed upon the subject of a distribution among the States of the proceeds of the sales of the public lands be also instructed to consider and report upon the expediency of ceding to the several States the public lands lying within the same, respectfully as proposed by Mr. Calhoun in the United States Senate, with reference to the effect of such cession upon the future prospects and permanent welfare of the State of Illinois, and upon the comparative advantages resulting to this State from the adoption of such distribution or cession.

Mr. Woodson offered the following resolution for adoption.

*Resolved*, That no reports or other communications presented to the House shall be entered on the journals and printed, except the Auditor's and Treasurer's reports, and reports from standing or select committees, and Governor's message, unless by special order of the House, but the same shall be filed by the Clerk, and so entered on the journals; which was

On motion of Mr. Peck,

Laid on the table.

Wm. B. Archer, Representative from Clark county, appeared, was qualified, and took his seat.

On motion of Mr. Trumbull,

*Resolved*, That the Committee on the Judiciary be instructed to enquire into the expediency of so amending an act entitled "An act, regulating tavern and grocery licenses," approved March 2, 1839, as to provide for the punishment of every person who shall keep a grocery without having first obtained a license so to do, according to the provisions of said act.

On motion of Mr. Charles,

*Resolved*, That the Committee on Education be instructed to bring in a bill consolidating into a single act, the various laws in force in relation to common schools and school lands, with such amendments, alterations, and additions as they may think proper.

Mr. Dodge moved that one thousand copies of the report of Attorney General be printed; which was not agreed to.

Mr. Webb moved to refer the report of the Attorney General to the Committee on the Judiciary; which was agreed to.

Mr. Kittell, on leave, introduced a bill for 'An act to amend an act, entitled 'An act, to provide for the settlement of debts and liabilities incurred on account of internal improvement in the State of Illinois;' approved February 1st, 1840;" which was read the first time, and

*Ordered* to a second reading.

Mr. Emmerson on leave, introduced a bill for an act entitled "An act,

extending the navigation of the Bon Pas Creek;" which was read the first time, and

*Ordered* to a second reading.

Mr. McLean moved an adjournment; which was not agreed to.

Mr. Bradford moved that 150 copies of the rules of the House of Representatives be printed; which was carried.

Mr. English moved that 2,000 copies of the Governor's message be printed, in addition to those already printed.

The yeas and nays being called by Messrs. Henderson and English,

It was decided in the negative as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Barnett, Bentley, Bissell, Bussy, Carpenter, Cavarly, Courtright, Crain, Dollins, Dodge, English, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Leary, Laughlin, Lester, McClernand, McClurken, McDonald, Marshall, Minshall, Murphy of Cook, Murphy of Perry, Odam, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—43.

Those who voted in the negative, are,

Messrs. Able, Archer, Bailey, Beall, Bennett, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Dunlap, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Hull, Logan, McGinnis, McLean, Menard, Moore, Munsell, Oliver, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, and Woodson—46.

Mr. Kitchell presented the petition of sundry citizens of Montgomery county, praying for the adoption of certain measures of retrenchment in the expenditure of the public money; which was read, and

On motion of Mr. Logan,

Referred to the committee on internal improvements.

The House then adjourned.

## SATURDAY, NOVEMBER 28, 1840.

House met pursuant to adjournment.

The Speaker announced the following, as the Standing Committees of the House:

*On the Judiciary*—Messrs. Kitchell, Cavarly, Leary, Webb, Trmubull, Dougherty, Hardin, Hicks, and Drummond.

*On Finance*—Messrs. Peck, English, Able, Prentice, Lincoln, Turney, Minshall, McLean, and Ross.

*On Elections*—Messrs. Kelly, Courtright, Phillips, Laughlin, Bailey, Parkinson, Charles, Scott, and Oliver.

*On Militia*—Messrs. Gridley, Dollins, Bennett, Troy, White, Brown of Vermilion, Blackman, Cox, and Humphrey.

*On Internal Improvements*—Messrs. Edwards, Logan, Brown of Vermilion, Beall, Crain, Minshall, Woodson, Barnett, and Baldwin.

*On Education*—Messrs. Murphy of Perry, Bissell, Kelly, Moore, Parsons, Bradford, Hankins, Charles, and Thornton.

*On Public Accounts and Expenditures*—Messrs. Ormsbee, Parsons, Thornton, Gillespie, Ross, Woodson, Dollins, Dougherty, and Phelps.

*On the Penitentiary*—Messrs. Gillespie, Reynolds, McDonald, Scott, Olds, McGinnis, Humphrey, and Dunlap.

*On Canals and Canal Lands*—Messrs. McClernand, Peck, Dodge, Henderson, Murphy of Perry, Cavarly, Shepley, Wheeler, and Lincoln.

*On Manufactures and Agriculture*—Messrs. Brown of Sangamon, McClarcken, Lester, Cox, Troy, Emmerson, Denny, Wilson, and Blackman.

*On Claims*—Messrs. Green, McDonald, Laughlin, Threlkeld, Bailey, Oliver, Phelps, Reynolds, Baldwin, and Froman.

*On Public Buildings and Grounds*—Messrs. Bentley, Hankins, West, Wilson, Munsell, Darnielle, Waters, Bennett, White, and Marshall.

*On State Roads*—Messrs. Archer, Shepley, Froman, Cunningham, Dunlap, Courtright, West, Funk, and Wood.

*On Counties*—Messrs. Carpenter, Lester, Francis, Hull, Barnett, Cunningham, Turney, Bussy, and Odam.

*On Banks and other Corporations*—Messrs. Murphy of Cook, Carpenter, Ormsbee, Dodge, Henderson, Hardin, Bissell, Menard, and Green.

*On Salines*—Messrs. Wood, Canady, Odam, Logan, McGinnis, Bussy, Waters, Marshall, and Bentley.

*On Engrossed Bills*—Messrs. Leary, Drummond, Murphy of Cook, Crain, Menard, Beall, McLean, Trumbull, and Gridley.

Mr. English, from the joint select committee appointed to draft rules for the government of the two Houses, reported as follows:

"The joint select committee appointed to draft and report rules for the government of the two Houses, having examined the joint rules adopted at the last session, recommend their adoption for the government of the two Houses at the present session; which report was concurred in.

Mr. Lincoln offered for adoption the following resolution:

*Resolved*, That so much of the Governor's message as relates to fraudulent voting, and other fraudulent practices at elections, be referred to the Committee on Elections, with instructions to said committee to prepare and report to the House a bill for such an act as may, in their judgment, afford the greatest possible protection of the elective franchise against all frauds of all sorts whatsoever.

Mr. McClernand moved to amend the resolution by striking out all after the word "Resolved," and insert as follows:

"That so much of the Governor's message as relates to the elective franchise, and the frauds which have been committed in this and other States, in relation thereto, be referred to a joint select committee, consisting of three members of the Senate, and five members of the House of Representatives, who shall institute an investigation into the frauds which may have been perpetrated at the recent election in this State, collect, as far as possible, the evidences and instances thereof, and report a summary of the same, with their opinion thereon."

The vote being taken on the proposed amendment,

It was decided by yeas and nays in the affirmative, as follows:

Those who voted in the affirmative, were,

Messrs. Able, Baldwin, Barnett, Bentley, Bissell, Blackman, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, Dunlap, English, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, Mc

McClernand, McClurken. McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Oliver, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turney, Waters, Wheeler, White, Wilson, Wood, and Mr. Speaker—48.

Those who voted in the negative, were,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Bussy, Canady, Carpenter, Charles, Cox, Cunningham, Darnielle, Denny, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Hardin, Henderson, Hull, Lincoln, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Webb, West, and Woodson—40.

The question then recurring on the passage of the resolution as amended, the yeas and nays being called,

It was decided in the affirmative, as follows:

Those who voted in the affirmative, were,

Messrs. Able, Archer, Baldwin, Barnett, Bentley, Bissell, Blackman, Bussy, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, Dunlap, English, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Oliver, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turney, Waters, Wheeler, White, Wilson, Wood, and Mr. Speaker—51.

Those who voted in the negative, were,

Messrs. Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles Cox, Cunningham, Darnielle, Denny, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Hardin, Henderson, Hull, Lincoln, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Webb, West, and Woodson—33.

*Ordered*, That Messrs. McClernand, Dodge, Drummond, Wheeler, and Edwards be the committee on the part of the House.

On motion of Mr. Dougherty,

*Resolved*, That the Secretary of the Board of Public Works communicate to this House what amount of drafts have been issued by the Board of Public Works. To whom payable and what amount to each person; also, whether the Board of Public Works is now prosecuting any of the public works in this State, and if so, what works, and whether any of said works have been let to contractors since the last session of the Legislature, and if so, what works, and the amount for which they are let, also, what disposition has been made by them of the property of the State, which was not wanted for immediate use for internal improvements, to whom sold, and for what amount sold.

On motion of Henderson,

*Resolved*, That the Committee on the Judiciary be instructed to enquire whether the eleventh or twelfth General Assembly should have convened under the late Proclamation of his Excellency, the Governor of Illinois; and whether, if the Legislature as at present organized be legal and constitutional, it should not adjourn *sine die*, on some day previous to the 1st Monday in December next, and be called a special session; and the regular session of the twelfth General Assembly commence its session on said first Monday in December agreeably to our State Constitu-

tion; and that said committee make report thereon at the earliest practicable period.

Mr. Ormsbee offered for adoption the following resolution.

*Resolved*, That the Committee on Finance be instructed to enquire into the expediency of repealing all laws creating and authorizing the system of internal improvements of this State, and of enacting such other laws as will authorize the sale of all the works and property of every description thereunto belonging; which was

On motion of Mr. Parsons,

Laid on the table.

On motion of Mr. McClernand,

*Resolved*, That the Board of Public Works be requested to furnish this House without delay, a full and perfect statement of the amount of property now on hand, whether real or personal, purchased on account of the system of internal improvements, embracing lands, lots, depots, offices, shops, iron, and the varieties thereof, timbers, locomotives, tools and mechanical implements, where they are, and the expediency of selling them, with their opinion of the sum they would bring upon sale, and how far the proceeds of such sale would go towards paying the interest to be due and payable on the debt incurred on account of the system of internal improvements on the 1st January next.

On motion,

The House adjourned.

## MONDAY, NOVEMBER 30, 1840.

House met pursuant to adjournment.

Mr. Prentice presented the petition of Nathan Low, of Shelby county, praying for the remission of a fine incurred by him for setting fire to the prairie; which was read, and on his further motion, referred to the committee on the Judiciary.

Mr. Parsons presented the petition of sundry citizens of Pike county, praying for the vacation of part of the town plat of the town of Griggsville; which was, on his motion, referred, without reading, to a select committee.

*Ordered*, That Messrs. Parsons, Lester, and McDonald be said committee.

Mr. Murphy of Cook offered for adoption the following resolutions:

*Resolved*, That a joint select committee of three from the House of Representatives, and two from the Senate, be appointed, whose duty it shall be to repair to Lockport, at an early period after the adjournment of the Legislature, and investigate the whole proceedings of the Commissioners of the Illinois and Michigan Canal.

*Resolved*, That it shall be their duty to enquire into the amount of expenditures of money on said work, and the various objects for which such expenditures were made, whether direct or contingent.

*Resolved*, That they be instructed to examine the cost of all offices, warehouses, or other buildings, the property of the State, and of all roads constructed on said work, from the canal funds; whether the interest of



the State, or the necessities of the canal demanded such buildings or expenditures, and whether they were not constructed at exorbitant prices.

*Resolved*, That they examine into the number of engineers, assistants, rodmen, clerks, and other persons employed by said Commissioners; also, the duties performed by them, and whether a reduction may not be made, both in the number and salaries, without detriment to the public interest.

*Resolved*, That it shall be their duty to ascertain whether the proceedings of the Commissioners have been in conformity with the provisions of law; whether public notices have always been given previous to the letting of contracts; whether contracts have been given, at high prices, to favored individuals, without public notice or competition; whether favor, partiality, or political motives have governed the Commissioners in the admeasurement of work, and payment of estimates; and, whether loss to the State, and the ruin of individuals have not resulted from such practices.

*Resolved*, That they be also instructed to hear all complaints made by contractors against said Commissioners, and to report these and such other facts respecting the affairs of the canal as they shall be able to elicit, at the next session of the Legislature; and for this purpose they shall have power to send for persons and papers, and examine witnesses on oath.

Mr. Minshall offered the following amendment:

To strike out in the first resolution all after the word "Lockport," to the word "investigate," and insert the word "immediately."

On motion of Mr. Charles,

The resolutions and amendment were laid on the table.

Mr. Dougherty offered for adoption, the following resolution:

*Whereas*, For the construction of the Illinois and Michigan Canal, and the system of internal improvements in this State, we have heretofore contracted debts to a considerable amount, therefore,

*Resolved*, That we will use all legal and constitutional means to maintain the credit of this State, by promptly paying the same, and interest accruing thereon, as the same becomes due.

Mr. Cavarly moved to strike out, in the foregoing resolution, all after the word "resolved," and insert as follows:

*"By the House of Representatives, the Senate concurring herein*, That whereas, the magnitude of our State debt, and the withering and blighting influence which it now has, and must continue to have, upon the credit of our State, and the prosperity of our citizens, we feel it due to ourselves that some immediate action be had as to the position which the Legislature intends to assume in reference to the accruing interest, and the ultimate extinguishment of the debt itself; therefore,

*"Resolved*, That relying upon the patriotism of the people, and the future resources of our State, we hereby pledge ourselves to make every reasonable effort, short of an increased direct tax upon the people, to meet the interest on the State debt as it falls due, and thus preserve the honor and credit of our State unsullied before our sister States and the world;" which resolution, with the proposed amendment, was,

On motion of Mr. Kitchell,

Laid on the table.

Mr. Kitchell offered for adoption, the following resolutions:

*Resolved*, That the embarrassed financial concerns of the State of Illi-

nois forbid any further prosecution of the present system of internal improvements at this time, and that the interest of the people requires an immediate suspension of all its works, except on the Illinois and Michigan Canal.

*Resolved*, That the Committee on Internal Improvements be instructed to enquire into the expediency of disposing of any or all parts of improvements made by the State upon railroads and rivers, to counties, companies, or individuals, upon such just and proper terms as may be for the interest of the people, without any further expenditures by the State, and that they report by bill or otherwise.

*Resolved*, That the Committee on Banks be instructed to enquire into the transaction between Thomas Mather, and Charles Oakley, the former Fund Commissioner of the State of Illinois, with the "State Bank of Illinois," and the "Bank of Illinois," on the subject of the sale of the bonds of the State to those institutions to the amount of \$2,665,000 as reported by said Commissioners in 1838; and if upon such examination, it shall appear that the said Banks, or either of them, have not complied with the provisions and intent of an act entitled "an act to increase the capital stock of certain banks, and to provide means to pay the interest on a loan authorized by an act entitled 'an act to establish and maintain a general system of internal improvements,'" approved March 4, 1837, or if it shall appear that either of the said banks have not paid the purchase money, or that the whole, or any part of said bonds so reported to have been sold, have not been paid for, then the said committee are instructed to report a bill to enable the State to compel a return of said bonds, and that when recovered the same be cancelled.

*Resolved*, That the Committee on the Judiciary be instructed to report a bill prohibiting the issuing of any written evidence of State debt in such a form that the same may be transferred by delivery or endorsement.

On motion of Mr. McClernand,

The foregoing resolutions were referred to a Committee of the Whole House, and made the order of the day for Thursday next.

On motion of Mr. Bentley,

*Resolved*, That a joint select committee of three on the part of the House, and two on the part of the Senate, be appointed to enquire into the expediency of repealing all laws providing for the removal of the Seat of Government from Vandalia to Springfield, and to provide for the removal of the Seat of Government back to Vandalia, until the State debt is paid, and that they report by bill or otherwise.

*Ordered*, That Messrs. Bentley, Hankins, and Bradford be the committee on the part of the House.

On motion of Mr. McClernand,

*Resolved*, That the Fund Commissioner be required to report to this House without delay, generally in relation to the financial affairs of the State as connected with the system of internal improvements; and also, what provision he has made, if any, for the payment of the interest to be due and payable on the internal improvement debt, on the 1st day of January next.

Mr. Peck, from the Committee on Finance, reported a bill for "An act to provide for the payment of the interest on the public debt;" which was read the first time, and

*Ordered*, to a second reading.

Mr. Kitchell moved to take up a bill for "An act to amend an act approved February 19, 1840, to provide for the settlement of debts and liabilities."

Mr. Webb moved an adjournment: the yeas and nays being called for, It was decided in the negative, as follows:

Those voting in the affirmative, are,

Messrs. Able, Barnett, Dougherty, Hankins, Hardin, Henderson, Hicks, Hull, Kitchell, Logan, McClernand, McLean, Menard, Minshall, Murphy of Cook, Oliver, Peck, Phillips, Waters, Webb, Wood, and Mr. Speaker—21.

Those voting in the negative, were,

Messrs. Archer, Bailey, Baldwin, Beall, Bennett, Bentley, Bissell, Blackman, Bradford, Brown of Vermilion, Bussy, Canady, Carpenter, Cavarly, Charles, Courtright, Cox, Crain, Darnielle, Denny, Dodge, Dollins, Drummond, Edwards, Emmerson, English, Francis, Froman, Funk, Gillespie, Gridley, Humphrey, Kelly, Kitchell, Leary, Laughlin, Lester, McClurken, McDonald, McGinnis, Marshall, Moore, Munsell, Murphy of Perry, Odam, Ormsbee, Parsons, Phelps, Prentice, Reynolds, Ross, Scott, Shepley, Thornton, Threlkeld, Troy, Trumbull, Turney, West, Wheeler, Wilson, and Woodson—62.

When,

On motion of Mr. Trumbull,

The House adjourned until 2 o'clock.

## TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Bill for "An act to amend 'An act approved February 1st, 1840 to provide for the settlement of debts and liabilities;'" was read the second time, when

Mr. Dougherty moved to commit the same to the Committee on Internal Improvements; which was not agreed to, by yeas and nays, as follows:

Those voting in the affirmative, are,

Messrs. Able, Archer, Bailey, Beall, Bennett, Bradford, Brown of Vermilion, Canady, Charles, Cox, Crain, Cunningham, Darnielle, Denny, Dougherty, Drummond, Dunlap, Edwards, Emmerson, Francis, Froman, Funk, Gridley, Hardin, Henderson, Hull, Kelly, Leary, Lincoln, Logan, McLean, Menard, Minshall, Murphy of Cook, Peck, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, and West—42.

Those voting in the negative, are,

Messrs. Baldwin, Barnett, Bentley, Bissell, Blackman, Bussy, Carpenter, Cavarly, Courtright, Dodge, Dollins, English, Gillespie, Hankins, Hicks, Humphrey, Kitchell, Laughlin, Lester, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Munsell, Murphy of Perry, Odam, Oliver, Ormsbee, Parsons, Prentice, Ross, Scott, Shepley, Trumbull, Turney, Waters, Wheeler, White, Wilson, Woodson, Wood, and Mr. Speaker—44.

Mr. Trumbull moved to amend the bill by adding the following sections:

"SEC. 2. It shall be the duty of the Governor to appoint an agent to whom the Board of Public Works shall forthwith deliver all books, vouch-

ers, and papers of every kind and description pertaining to their office, and all property of every kind and description in their possession, or under their control, which belongs to the State.

"SEC. 3. It shall be the duty of said agent to take the charge, and preserve from waste and destruction, all and every species of property delivered to him as aforesaid, until otherwise provided by law; and all engineers, agents, superintendents, clerks, assistants, or other officer or officers now in the employment of the Board of Public Works, or any member thereof, are hereby discharged, and all laws, or parts of laws, providing for their compensation, be, and the same are hereby, repealed."

Mr. Hardin moved to amend the proposed amendment by adding the following section:

"SEC. —. *Be it further enacted*, That the act entitled "An act to establish and maintain a general system of internal improvements," approved February, 1837, and all acts supplemental or amendatory thereto, be, and the same are hereby, repealed; *Provided, however*, That nothing herein contained shall be construed to deny the obligation of the State to pay all debts legally contracted under said laws by the officers of this State;"

Which last proposed amendment, was,

On motion of Mr. Trumbull,

Laid on the table, by yeas and nays, as follows, viz:

Those voting in the affirmative, are,

Messrs. Able, Barnett, Beall, Bentley, Bissell, Blackman, Bradford, Brown of Vermilion, Bussy, Canady, Cavarly, Courtright, Crain, Darnielle, Dodge, Dougherty, Drummond, Dunlap, Edwards, Froman, Funk, Gillespie, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Oliver, Ormsbee, Parsons, Peck, Phelps, Prentice, Scott, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—56.

Those voting in the negative, are,

Messrs. Archer, Bailey, Baldwin, Bennett, Carpenter, Charles, Cox, Denny, Dollins, Emmerson, English, Francis, Gridley, Hardin, Henderson, Hull, Lincoln, McLean, Menard, Minshall, Munsell, Odam, Phillips, Reynolds, Ross, Shepley, Thornton, Threlkeld, Troy, Waters, West, and Woodson—31.

When the vote recurring on the amendment proposed by Mr. Trumbull,

It was decided in the affirmative, by yeas and nays, as follows:

Those voting in the affirmative, are,

Messrs. Baldwin, Barnett, Bentley, Bissell, Blackman, Bussy, Carpenter, Cavarly, Courtright, Dodge, Dollins, Dunlap, Edwards, English, Gillespie, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, McClernand, McClurken, McDonald, McGinnis, Marshall, Minshall, Moore, Munsell, Murphy of Cook, Murphy of Perry, Odam, Ormsbee, Parsons, Peck, Phelps, Prentice, Ross, Scott, Shepley, Threlkeld, Trumbull, Turney, Waters, Wheeler, White, Wilson, Woodson, and Mr. Speaker—51.

Those voting in the negative, are,

Messrs. Able, Archer, Bailey, Beall, Bennett, Bradford, Brown of Vermilion, Canady, Charles, Cox, Crain, Cunningham, Darnielle, Denny,

Dougherty, Drummond, Emmerson, Francis, Froman, Funk, Gridley, Hardin, Henderson, Hull, Lincoln, Logan, McLean, Menard, Oliver, Phillips, Reynolds, Thornton, Troy, West, and Wood—35.

Mr. Hardin moved to amend the bill by adding the following proviso, to wit:

*“Provided, however, That the agent hereby authorized to be appointed, shall give bond to the Governor of this State, and his successors in office, in the sum of twenty thousand dollars, conditioned for the faithful performance of his duties under this act, and the compensation of such agent shall not exceed            dollars for each day he may be bona fide engaged in the service of the State, and said agent shall not have power to appoint other agents without the consent of the Governor;”* which proposed amendment Mr. McClernand moved to lay on the table; which was not agreed to, by yeas and nays, as follows:

Those voting in the affirmative, are,

Messrs. Ben ley, Bussy, Carpenter, McClernand, Trumbull, Turney, and Wood—7.

Those voting in the negative, are,

Messrs Able, Archer, Baldwin, Barnett, Beall, Bennett, Bissell, Blackman, Bradford, Brown of Vermilion, Canady, Cavarly, Charles, Court-right, Cox, Crain, Cunningham, Darnielle, Denny, Dodge, Dollins, Dougherty, Drummond, Dunlap, Edwards, Emmerson, English, Francis, Froman, Funk, Gillespie, Gridley, Hankins, Hardin, Henderson, Hicks, Hull, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Lincoln, Logan, McClurken, McDonald, McGinnis, McLean, Marshall, Menard, Minshall, Moore, Munsell, Murphy of Cook, Murphy of Perry, Odam, Oliver, Ormsbee, Parsons, Peck, Phelps, Phillips, Prentice, Reynolds, Ross, Scott, Shepley, Thornton, Threlkeld, Troy, Waters, West, Wheeler, White, Wilson, Woodson, and Mr. Speaker,—78.

Mr. Dougherty moved to amend the amendment by striking out “twenty thousand,” in the proviso, and inserting “two hundred thousand.”

A message from the Senate, by Mr. Berry, their Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives, that they have unanimously adopted the following preamble and resolution, viz:

“Inasmuch as it has been represented that the State of Illinois would, at this session of the Legislature, repudiate her contracts, although fairly entered into, and be unwilling, as well as unable, to pay the interest on her loans, therefore,

*Resolved by the General Assembly of the State of Illinois,* That we consider all contracts made in pursuance of law by our agents, when the consideration has been received, as valid and binding upon the people of the State of Illinois, and that common honesty and the honor of the State, demand a strict and punctual fulfilment on our part in every particular, as we should expect and require the same of individuals or corporations with whom contracts may have been made;

In the adoption of which they ask the concurrence of the House of Representatives.

The House then adjourned.

TUESDAY, DECEMBER 1, 1840.

House met pursuant to adjournment.

Mr. Denny presented the petition of Nathaniel Sanburn, praying for the right of minors to sell lands; which was on his motion, read and referred to a select committee.

*Ordered*, That Messrs. Denny, Ross and Thornton be said committee.

Mr. F. A. Olds, Representative from Macoupin county appeared, was qualified and took his seat.

Mr. Peck from the select committee to which was referred the petition of Samuel Hoard, reported a bill for an act "to extend the time of taking an enumeration of the inhabitants of this State," which was read a first time, and

*Ordered* to a second reading.

On motion of Mr. Murphy of Cook,

The rule of the House was dispensed with, and the bill now read a second time by its title, and

On motion of Mr. Peck,

Amended by striking out "20th day of December" in last line, and inserting "1st day of January," when the bill was

*Ordered* to be engrossed for a third reading.

On motion of Mr. Gridley,

*Resolved*, That a joint select committee of three on the part of the House of Representatives, and two on the part of the Senate, be appointed to investigate the official acts and doings of the Board of Public Works, and report as early as practicable.

*Ordered*, That Messrs. Gridley, Charles, and Hicks be the committee on the part of the House, and that the Clerk be directed to inform the Senate of the passage thereof, and ask their concurrence therein.

On motion of Mr. Ormsbee,

The following preamble and resolution was adopted.

*Whereas*, an act of the Legislature of this State, authorizing an appropriation for the completion and furnishing of the State House at Springfield, approved January 12th, 1839, requires that all orders of the treasury issued in favor of the State House Commissioners shall be deposited by them in the State Bank.

*And whereas*, the said Commissioners by the same act are required to make orders or checks on said Bank (to the amount of said orders so deposited) in favor of "all persons to whom money may be due." Therefore

*Be it resolved*, That the said Commissioners without delay, furnish this House with a statement of the aggregate amount of all orders and checks by them made in conformity to said act upon said Bank, and accompany said statement with a list of the names of all persons, in favor of whom said orders and checks have been made, and the items of consideration for which the same were given with the verifying vouchers.

On motion of Mr. Hardin,

*Resolved*, That the Governor be requested to inform this House at what time the first instalment of ten thousand pounds sterling due by Messrs. Wright & Co., under the contract made with them by the Hon. R. M. Young, for the Illinois and Michigan Canal Fund, was received by the said R. M. Young.

Also, where has said sum of money been deposited since it was received, if with banks, what banks? and if with brokers, what brokers?

Also, what amount of premiums, exchange and interest have been received by the said agents on said first instalment.

Also, whether said first instalment of ten thousand pounds sterling, and the interest, exchange and premiums, which have been received from the same have ever been paid to the Canal Commissioners; and if not, the reasons why the same has not been done.

Also, whether the agents of the State who had the charge of said sum of money, refused to pay over the same to the Canal Commissioners when requested by them, and if so, the reasons for refusing so to do; and

Also, the reason why said sum of money was not placed at the disposal of the Canal Commissioners as soon as the same was received.

*Resolved*, That if the agent or agents appointed by the Governor have not communicated to him the information above desired, that he be requested to send a copy of these resolutions to the Hon. R. M. Young, and the Hon. John Reynolds, (agents appointed to negotiate a loan for the Illinois and Michigan Canal,) with instructions to them to answer the same.

Mr. Dodge offered for adoption the following resolution:

*Resolved*, That the select committee appointed to examine into the conduct of the Internal Improvement Commissioners have power to send for papers and persons, and examine all witnesses on oath; which was

*On motion of Mr. Hardin,*

Laid on the table.

A message from the Senate, by Mr. Richardson, a Senator:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives, that they have concurred with them in the adoption of a resolution, having for its object the raising of a joint select committee to investigate the frauds alledged to have been committed at the recent elections in this State, and report thereon; and have appointed Messrs. Ralston, Davidson and Richardson the committee on their part.

They have also adopted the following resolution, in the adoption of which they ask the concurrence of the House.

*Resolved by the Senate, the House of Representatives concurring herein*, That a joint select committee of five, two on the part of the Senate, and three on the part of the House be appointed, whose duty it shall be to prepare and report a memorial to Congress in favor of establishing a Marine Hospital at the City of Cairo, in the county of Alexander, in the State of Illinois, and have appointed Messrs. Hacker and Baker the committee on the part of the Senate.

The House adjourned until 2 o'clock.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

The bill for "An act to amend an act, approved February 1st, 1840," to provide for the settlement of debts and liabilities, again coming up for consideration.

Mr. Woodson moved to amend the original bill by substituting the following:

SEC. 1. That all acts authorizing the election of a Board of Public Works, and for providing compensation to the commissioners of said Board, their Clerks and Secretaries be, and the same are hereby repealed from and after the 15th day of December, 1840.

SEC. 2. *Be it further enacted*, That the Commissioners of the Board of Public Works shall by the said 15th day of December, 1840, deliver over to the Fund Commissioner of the State, all money, books, papers, profiles, maps, and plats of all kinds, pertaining to their respective offices, and that they also deliver over to said Fund Commissioner, all property of every description in their possession belonging to the State for the construction of railroads or other works.

SEC. 3. *Be it further enacted*, That it shall be the duty of the Fund Commissioner to audit, adjust, and settle the accounts of said commissioners, and in case they or either of them shall be indebted to the State, to cause suit or suits, to be instituted upon their official bonds.

SEC. 4. *Be it further enacted*, That the Fund Commissioner be, and he is hereby authorized to adjust and settle all claims of contractors and others against the State, on account of the internal improvement system as the Commissioners of the Board of Public Works are now authorized to do by law.

SEC. 5. *Be it further enacted*, That all officers, agents, and others appointed by the Board of Public Works, who may have property of any kind in their possession, shall deliver the same without delay to the Fund Commissioner, and the salaries and compensation of said officers and agents shall cease and determine from the passage of this act.

SEC. 6. *Be it further enacted*, That all laws or parts of laws authorizing the issuing of State scrip, be, and the same are hereby repealed.

A message from the Senate, by Mr. Berry, their Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that they have adopted the following resolution, viz:

*Resolved by the Senate, the House of Representatives concurring herein*, That so much of the Governor's message as relates to the proposition of Mr. Calhoun to cede the public lands to the several States in which they lie, be referred to a joint select committee of five, consisting of two on the part of the Senate, and three on the part of the House of Representatives, to draft a memorial to Congress, praying the passage of a law, having for its object the proposition of that Senator, and also instructing our Senators, and requesting our Representatives in Congress to use their endeavors for the passage of the said law with due and proper modifications to protect the interest of the new States; and have appointed Messrs. Pearson and Hacker the committee on their part.

In the passage of which they ask the concurrence of the House of Representatives.

Mr. Bentley moved to lay the above amendment offered by Mr. Woodson on the table; which was agreed to.

On motion of Mr. Charles,

The bill with amendments were referred to the committee on Internal Improvements, by yeas and nays as follows:

Those voting in the affirmative, are,

Messrs. Bailey, Beall, Bennett, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Crain, Cunningham,



Darnielle, Denny, Dougherty, Drummond, Dunlap, Edwards, Emmerson, Francis, Froman, Funk, Gridley, Hardin, Henderson, Hull, Leary, Lincoln, Logan, McLean, Menard, Minshall, Murphy of Cook, Parkinson, Peck, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Turney, Webb, West, and Mr. Speaker—46.

Those who voted in the negative, are,

Messrs. Able, Baldwin, Bentley, Bissell, Bussy, Carpenter, Cavarly, Courtright, Dollins, English, Gillespie, Hankins, Hicks, Humphrey, Kitchell, Laughlin, Lester, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Munsell, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Prentice, Ross, Scott, Shepley, Trumbull, Waters, Wheeler, White, Wilson, and Woodson—40.

The bill for "An act extending the navigation of the Bon Pas Creek," was read the second time, and

*Ordered* to be engrossed for a third reading.

A bill for "An act to provide for the payment of interest upon the public debt;" was read the second time, when,

Mr. Hardin moved to amend the bill by adding the following proviso:

*Provided however,* That the said State bonds shall not be hypothecated for less than seventy cents to the hundred, and said bonds shall not be hypothecated for a less term than three years, during which time the State shall have the privilege of redeeming said bonds.

Mr. Bentley moved to refer the bill and proposed amendment to a select committee of five: which was not agreed to.

Mr. Kitchell moved to lay the bill and proposed amendments on the table; which was not agreed to.

Mr. Kitchell moved that the House adjourn; which was not agreed to; when,

On motion of Mr. Cavarly,

The bill and proposed amendments were referred to a committee of the Whole House, and made the order of the day for to-morrow.

The House adjourned.

### WEDNESDAY, DECEMBER 2, 1840.

The House met pursuant to adjournment.

Mr. Crain from the Committee on Engrossed Bills, reported as correctly engrossed a bill for "An act, to extend the time for taking an enumeration of the inhabitants of this State."

Mr. Edwards from the Committee on Internal Improvements, to which was referred "An act to amend an act, approved February 1st, 1840, to provide for the settlement of debts and liabilities;" reported the following as a substitute for the original bill.

**SEC. 1.** *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That so much of "An act to provide for the settlement of debts and liabilities incurred on account of internal improvements in the State of Illinois," approved February 1st, 1840, as provides for the election of a Board of Public Works, and the appointment of their Clerks and Secretaries, be, and the same is hereby repealed after the fifteenth day of December, 1840.

SEC. 2. *Be it further enacted*, That the said commissioners shall by the said fifteenth day of December, deliver over to the Treasurer of the State of Illinois, all books, records, papers, maps, plats, profiles, accounts, or other papers in their possession. Also, all property of every description in their possession pertaining to their respective offices connected with the system of internal improvements. And it shall be the duty of the Treasurer to take charge of the same.

SEC. 3. *Be it further enacted*, That it shall be the duty of the Treasurer to audit, adjust, and settle the accounts of the said commissioners, and in case any member of said board shall be found in arrear to the State, it shall be his duty to cause suit forthwith to be instituted against such person.

SEC. 4. *Be it further enacted*, That the compensation of all engineers, agents and other persons in the employment of the Board of Public Works, shall cease and determine at, and upon the passage of this act.

SEC. 5. *Be it further enacted*, That no State scrip or draft shall be issued after the passage of this act.

SEC. 6. *Be it further enacted*, That the Treasurer of the State for the faithful discharge of the duties imposed upon him by this act, shall give bond to the people of the State of Illinois, with one or more good securities, to be approved by the Governor in the penalty of twenty thousand dollars.

SEC. 7. *Be it further enacted*, That the Treasurer is hereby authorized to appoint one agent to take charge of such parts of railroads as may be completed, and all the cars, engines, and all other things belonging to said roads, until otherwise provided for by law; which was concurred in, and

*Ordered* to be engrossed for a third reading.

On motion of Mr. Hardin,

The following resolution was taken up for consideration.

*Resolved*, That no reports or other communications presented to the House, shall be entered on the journals, and printed, except the Auditors and Treasurers Reports, and reports from standing or select committees, unless by special order of the House, but the same shall be filed by the Clerk, and so entered on the journal; which,

On motion of Mr. Murphy of Cook,

Was referred to the Committee on Public Accounts and Expenditures.

Mr. Lincoln offered for adoption the following resolution:

*Resolved*, That the Committee on Education be instructed to enquire into the expediency of providing by law for the examination as to the qualification of persons, offering themselves as school teachers, that no teacher shall receive any part of the public school fund, who shall not have successfully passed such examination, and that they report by bill or otherwise.

Mr. Bentley moved that the foregoing resolution be laid on the table, which was decided in the negative by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Able, Barnett, Bentley, Blackman, Brown of Vermilion, Bussy, Carpenter, Courtright, Cox, Crain, Cunningham, Dollins, Emmerson, Funk, Green, Hankins, Hicks, Laughlin, Leary, Lester, Logan, McClurken, Menard, Minshall, Moore, Odam, Olds, Oliver, Ormsbee, Phillips-

Reynolds, Scott, Shepley, Threlkeld, Waters, Webb, Wheeler, White, Wilson, Wood—40.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Baldwin, Beall, Bennett, Bissell, Brown of Sangamon, Canady, Cavarly, Charles, Darnielle, Denny, Dodge, Dougherty, Drummond, Dunlap, Edwards, English, Francis, Froman, Gillespie, Gridley, Hardin, Henderson, Hull, Humphrey, Kitchell, Lincoln, McDonald, McGinnis, McLean, Marshall, Munsell, Murphy of Cook, Murphy of Perry, Parkinson, Parsons, Peck, Phelps, Prentice, Ross, Thornton, Troy, Trumbull, Turney, West, Woodson, and Mr. Speaker—49.

On motion of Mr. Turney,

*Resolved*, That the Committee on Education be instructed to inquire into the expediency of distributing the school fund among the several counties of the State, according to the numbers of white inhabitants in each under twenty years of age, and that they report by bill or otherwise.

Mr. Froman offered for adoption the following resolution:

*Resolved*, That the Committee on Finance be instructed to report a bill to this House within the next two days, fixing the per diem allowance of the members of the present General Assembly of this State at three dollars per day, and reducing the salaries of all officers and agents, whose salaries are fixed by this General Assembly, at least one-fourth.

Mr. Charles moved to strike out of the foregoing resolution all after the word "resolved," and insert as follows:

That a select committee be appointed to enquire into the expediency of reducing the fees and compensation of all officers under the laws of this State; which was agreed to, and the resolution as amended was adopted.

*Ordered*, That Messrs. Charles, Marshall and Ormsbee be said committee.

On motion of Mr. Ross,

*Resolved*, That the Committee on Education be instructed to enquire into the expediency of so amending the laws of this State, in relation to school commissioners, as to make the same elective by the people of the several counties, and that they report by bill or otherwise.

On motion of Mr. Gillespie,

*Resolved by the House of Representatives, the Senate concurring herein*, That a joint select committee of three on the part of the House, and two on the part of the Senate, be appointed to confer with the President and Directors of the Bank of the State of Illinois, and to ascertain whether, and upon what terms a loan can be obtained from said bank of a sum of money sufficient to pay the interest upon the internal improvement debt, which shall become due on the first Monday in January next, and that they make report of their proceedings herein without delay.

*Ordered*, That Messrs. Gillespie, Bissell, and Lincoln be that committee.

On motion of Trumbull,

*Resolved*, That the Fund Commissioner be requested to furnish this House as soon as practicable with a statement showing the amount of interest which will fall due on the State debt on the first of January next, and to meet which no means have been provided on what account or con-

tracts said interest will be due, also the quantity and cost of railroad iron now in the United States, and where deposited.

On motion of Mr. White,

*Resolved*, That the Committee on the Militia be instructed to examine the militia law, and make such alterations or amendments as they may in their wisdom think proper, and report to the House as soon as convenient.

On motion of Mr. Logan,

*Resolved*, That the Committee on Canals and Canal Lands be instructed to enquire into the expediency of stopping all proceedings on the canal for the present, and that they report by bill or otherwise.

Mr. Shepley, on leave, introduced a bill for an act, "to amend an act exempting certain articles from execution, in addition to those already exempt by the laws of this State;" which was read a first time, and

*Ordered* to a second reading.

The Speaker laid before the House a communication from the Fund Commissioner; which was read, and

On motion of Mr. Webb,

Laid on the table.

A message from the Senate by Mr. Berry, their Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives, that they have passed a bill entitled "An act, to provide for the manufacture of Salt at the Gallatin Saline, in the passage of which, they ask the concurrence of the House of Representatives.

The House adjourned until 2 o'clock, P. M.

OFFICE OF FUND COMMISSIONER,

*Springfield, Dec. 1, 1840.*

To the Hon. the SPEAKER of the House of Representatives:

SIR: In obedience to a resolution of the Senate, bearing date on yesterday, requesting a report of the success of my negotiations, the amount of interest due 1st of January, 1841, and the available means to pay it, has just reached me, or I should have given it an earlier answer.

|  |             |
|--|-------------|
| The amount of bonds sold on account of bank stock, | \$2,665,000 |
| On account of Internal Improvements,               | 3,187,000   |

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Total, \$5,852,000

Upon this sum interest will be required on the 1st January, 1841, which will amount to \$175,560.

Of the above bonds \$300,000 were sold to three banks at Buffalo, New York; and under their contracts an interest account was to have been kept, and no coupons presented for payment until the last payment was made. They have, however, passed the bonds, and some, if not all, of the coupons, were presented for the interest, and will no doubt be presented in future.

In July, I thought of refusing to pay them; but on consulting my counsel, and various friends in New York, it was concluded that when passed into the hands of innocent purchasers the State had no right to refuse to pay them.

Messrs. Wright & Co. of London, have sold about \$250,000 worth of

bonds, the money arising from the sale of which went to pay our interest on the 1st January, 1840, and advancements previously made by the Bank of the United States to the Fund Commissioners, they (Messrs. Wright & Co.) have also delivered over to Thompson & Forman, for railroad iron, bonds to the amount of the iron which has been shipped; but what amount of bonds they have paid over I am not yet informed. Messrs. Wright & Co., however, inform me that they will provide the interest on the bonds they have disposed of.

The State has due her—

|  |         |                  |
|--|---------|------------------|
| From Mr. Delafield, over and above interest, about                                 | -       | \$412,000        |
| From the City Bank of Buffalo, and the Tonawanda Bank, taken from Delafield, about | - - - - | 21,000           |
| From A. H. Bangs & Co.   | - - - - | 50,000           |
| From the Bank of Commerce at Buffalo   | - - - - | 90,000           |
| From the Erie County Bank  | - - - - | 67,500           |
| From the Commercial Bank, about  | - - - - | 33,000           |
| Total,   |         | <u>\$673,500</u> |

Since my report of August last, the Commercial bank of Buffalo has paid me in State scrip, about \$57,000—thus reducing her debt, then \$90,000 to \$33,000. The Erie County Bank, I understand, has scrip, and intends paying her debt in it likewise.

I have no idea we shall realize in money any thing from the above debts in time for our interest, due 1st January, 1841.

That I might report fully in relation to the above debts, and ascertain the chances and best mode of obtaining money to pay our January interest, and the freights, duty, and charges on the railroad iron, in progress of shipment to New Orleans, by Thompson & Forman, of London, under their contract with the late Fund Commissioners, I was induced to visit New York, just before the time of your convention.

We have obtained an injunction against Mr. Delafield; and from what Mr. Ruggles, our counsel, had written me, I was in hopes a favorable compromise could have been effected. On sounding him, however, he offered only 75 per cent. of the claim in the *merest trash* that you can imagine—worse than his offers to me last summer, which were reported in my correspondence with him. From all that I can learn of the situation of Mr. Delafield, I do not believe he is able to pay the whole debt; and unless, in a compromise, he can swindle the State out of enough to make himself comfortably rich, I think he is disposed to keep all. I fear the law cannot force from him justice to the State; and I believe more can be gotten from him in a compromise than in any other way. But still, whoever makes the compromise, must suffer him to make a hundred or two thousand dollars, or nothing can be effected. Without direct authority from the honorable Legislature, I was not disposed to give him so large a bonus, and therefore could effect nothing.

No part of the debt of \$50,000, due from A. H. Bangs and others, has been paid. Pratt, one of the parties, offers 15 bonds in full discharge of his obligation; and our only hope of doing better is to implicate the stockholders and directors of the Onandago Bank. Our attorneys are

in hopes they can be made liable, and are now in search of information for that purpose.

The Bank of the United States has agreed to advance freights, &c. &c. on railroad iron, up to the 1st February next, if she can be repaid such advances at that time. I placed in her hands 100 bonds as a guaranty that her advances should be paid, as I thought it out of the question that the iron of a sovereign State should be sold for its freight and charges.

I found money in New York more in demand, and more difficult to obtain, than it was a month or two ago. Our only chance of obtaining money for our January interest will be by hypothecation of Bonds on temporary loans of four or six months, or by sale of the bonds at what they are worth in the market. Our bonds are now worth from 76 to 80 per cent., a little less than they were worth a short time since. All other stocks, however, have suffered the same depreciation, and it is attributed to the preparation of the Banks to resume specie payments, and the unsettled and belligerent attitude of the leading powers of Europe.

Messrs. Nevins, Townsend, & Co. of New York, whom I have always found to be the steady and efficient friends of our State, kindly promised to try and procure for me the January interest, and the advances of the Bank of the United States, if the honorable Legislature would authorize temporary loans. These same gentlemen advanced to me for the State Bank of Illinois \$50,000, to pay our last July interest; this sum is still unpaid, and I hope provision will be made for its payment.

Our State will be entitled to the next semi-annual dividend on her Bank stock, which will probably be about \$90,000. We are indebted, however, to the State Bank the above named \$50,000, and to the Bank of Illinois about \$238,000 or \$240,000, for advances made a year or two ago. Whether the Banks shall retain the next dividend or not is for the honorable Legislature to say.

I hope the honorable Legislature will adopt at once, and, if possible, unanimously, a resolution that the *Honor and Credit of the State can, ought and shall be maintained*; and that authority be given to some person to provide, on the most advantageous terms, the January interest, and the money necessary to pay freights and charges on the railroad iron, now in progress of shipment; this done, the manner by which subsequent interest shall be paid, can then be discussed and agreed upon. If our interest in January and July next be punctually paid, and some policy adopted by which it can be paid afterwards, I have no doubt our Bonds will immediately rise in value, and ultimately command a higher price than they have ever done.

Since the above report was in part written, the following resolution of your honorable body has been handed to me:

SENATE CHAMBER, Nov. 30, 1840.

R. F. BARRETT, Esq.

SIR:—The following resolution was this day adopted by the Senate, viz:

“Resolved, That the Fund Commissioner be required to report forthwith to the Senate, whether or not the \$50,000 in the hands of Judge Young and Gov. Reynolds at the date of his report of August 20, 1840, has been by those gentlemen or either of them, paid over to the Fund Commissioner; and if not paid, whether or not the Fund Commissioner

has made demand for the same, and if demanded and not paid, what reasons were offered for refusing to pay; and also, if within the knowledge of the Fund Commissioner, how long said \$50,000 has been in the hands of said Young and Reynolds, or either of them previous to his said report."

In answer to the above resolution, I have only to say, that this said \$50,000 belongs to the Canal Fund of which the Governor is the fiscal agent. I have had no right to demand it, and of course never did. I understood, however, from Judge Young and Gen. Thornton, that it was drawn in February last, under the contract with Messrs. Wright & Co., entered into last year by Judge Young and Gov. Reynolds.

My report of August was designed to explain to the Governor, and the members elect to the Legislature, the necessity of a called session, and to prepare them for prompt action on the finances of our State. To give them a full view of the finances upon which they would be called on to act, I also gave what I knew of the Canal debt, as obtained from the public documents and other sources. I knew at the time, that it was not my province to speak of the canal and its debts, but the interest was to be provided for all the debts of the State, and it was needless to provide for one class of debts, and not for the other, I therefore, spoke of this \$50,000 in the hands of Judge Young and Gov. Reynolds, as available to the Canal Fund.

I have the honor to be,  
with very much respect,  
your obedient servant,  
RICH'D F. BARRETT,  
*Fund Commissioner.*

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Crain, from the committee on Engrossed Bills, reported as correctly engrossed, a bill for "An act extending the navigation of Bon Pas creek."

Mr. Henderson moved that the House now resolve itself into a Committee of the Whole House on the bill for "An act to provide for the payment of the interest on the public debt;" which was not agreed to.

Engrossed bill for "An act extending the navigation of Bon Pas creek," was read the third time,

And on the question—"Shall the bill pass?"

It was decided in the negative.

Engrossed bill for "An act to extend the time for taking the enumeration of the inhabitants of this State," was read the third time and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Message from the Senate, having for its object the appointment of a joint select committee to draft a memorial to Congress, praying for the passage of a law having for its object, the cession of the public lands to the States in which they lie, according to the principles of Mr. Calhoun's land bill, was read, and,

On motion of Mr. Minshall,

Referred to the same committee to which was referred so much of the Governor's message as relates to the same subject.

Message from the Senate in relation to State contracts, and the necessity of fulfilling them on the part of the State, was taken up for consideration, and

On motion of Mr. Trumbull,

Amended by striking out the word "although," in the third line of the preamble, and the resolutions as amended were concurred in.

*Ordered*, That the Clerk inform the Senate thereof, and ask their concurrence in said amendment.

A message from the Senate, having for its object the appointment of a joint select committee of two on the part of the Senate, and three on the part of the House of Representatives to memorialize Congress to establish a Marine Hospital at the city of Cairo, in the county of Alexander, in the State of Illinois, was taken up for consideration, and concurred in, and

*Ordered*, That Messrs. Dougherty, Murphy of Cook, and McGinnis, be the committee on the part of the House.

*Ordered*, That the Clerk inform the Senate thereof.

The Speaker laid before the House a communication from the Secretary of the Board of Public Works, which was read, laid on the table, and

On motion of Mr. Hardin,

*Ordered*, That said communication be not spread upon the journals.

The Speaker laid before the House a communication from the State Bank of Illinois, as follows:

STATE BANK OF ILLINOIS,  
*Springfield, Dec. 1, 1840.*

To the SPEAKER

*Of the House of Representatives, of Illinois.*

SIR:—I have the honor to enclose you a communication from the Directors of this Bank to the General Assembly, which you will please lay before the House of Representatives.

Very respectfully,

your obedient servant,

THOMAS MATHER,

*President.*

STATE BANK OF ILLINOIS,  
*December 1, 1840.*

To the Hon.

*The GENERAL ASSEMBLY of the State of Illinois.*

In compliance with one of the provisions of the 12th section of the law entitled "An act to increase the capital stock of certain Banks," the Directors of the State Bank of Illinois have the honor to submit to the General Assembly, the accompanying statement of the condition of the Bank and its branches, on the 16th day of November, being the date of the last returns from some of the branches.

In making this report the Directors take occasion to state that, from the date of the present suspension of specie payments, they have made it a leading object in the management of the Bank, to keep it always prepared to resume payment simultaneously with the other Banks; and that the Bank is now, and has been for some time, ready to resume, and



is only awaiting the action of the banks which led the way in the suspension.

A reference to the accompanying statement will show a large amount of ready means held by the Bank, and, in addition to this, a negotiation has been concluded in New York, which will place at the disposal of the Bank, in that city, a very considerable sum of money.

With this ample provision for a resumption, it is very gratifying to the Directors, to be able to state that there are strong indications that the highly desirable event of the resumption of the most of the present suspended banks will take place during the next month.

While the Bank is thus ready to recommence the payment of specie, in concert with the leading banks, the reasons heretofore submitted to the Legislature, against the attempt to pay specie by this Bank during a general suspension, still exist, and have an increased influence now, when the general resumption seems so near at hand.

By order and in behalf of the Directors,

THOMAS MATHER,

*President.*

STATEMENT of the Aggregate Condition of the State Bank of Illinois and Branches, Nov. 16, 1840.

| RESOURCES.                                    |                     | LIABILITIES.                                       |                |
|---|---------------------|--|----------------|
| Bills discounted                              | -                   | Capital Stock, viz:                                | \$2,100,000    |
| Bills of Exchange                             | -                   | Owned by the State                                 | 1,546,125      |
| Suspended Debt                                | -                   | "    Individuals                                   | -              |
| Loans on Real Estate                          | -                   | Real Estate Fund                                   | \$3,646,125 00 |
| State Stocks                                  | -                   | Contingent Fund                                    | 400,000 00     |
| Forfeited Bank Stock                          | -                   | Discount, Exchange, Interest, &c.                  | 90,000 00      |
| Real Estate                                   | -                   | Notes in circulation                               | 86,790 04      |
| Incidental expenses                           | -                   | Unclaimed dividends                                | 3,103,615 00   |
| Balances between the Parent Bank and Branches | -                   | Board of Illinois and Michigan Canal Commissioners | 1,663 50       |
| State of Illinois                             | -                   | State House Commissioners                          | 21,726 07      |
| Loan to Fund Commissioner of Illinois         | -                   | Due to other Banks                                 | 306 06         |
| Gold and Silver coin                          | \$529,640 04        | Individual Depositors                              | 117,893 49     |
| Notes of other Banks                          | 129,977 00          |  | 85,850 76      |
| Due from Banks & Bankers, payable on demand,  | 797,278 16          |  |                |
|   | <u>1,456,895 20</u> |  |                |
|   | \$7,555,969 92      |  | \$7,555,969 92 |

STATE BANK OF ILLINOIS, Springfield, Dec. 1, 1840.

N. H. RIDGELY, Cashier.

Which was read, and,

On motion of Mr. Murphy of Cook,

Laid on the table, and one hundred and fifty copies ordered to be printed for the use of this House.

The Speaker laid before the House, the following communication from the Bank of Illinois:

BANK OF ILLINOIS,  
Shawneetown, 24th Nov., 1840.

To the Honorable the SPEAKER

*of the House of Representatives:*

SIR: In compliance with the 12th section of the act entitled "An act to increase the capital stock of certain banks," &c., I have the honor herewith to furnish you with a full and complete statement of the condition and financial operations of this Bank and Branches, on the 2d inst. On examination of which you will perceive that all the liabilities of this Bank, except to the Stockholders, amounts to \$1,400,458 50.

And that the Bank has the following means, to wit:

|  |   |   |   |   |              |
|--|---|---|---|---|--------------|
| Specie, and notes of other banks                 | - | - | - | - | \$476,402 38 |
| Due from other banks                             | - | - | - | - | 308,539 63   |
| Due from Fund Commissioner, and State House loan | - | - | - | - | 324,234 04   |

Making the aggregate sum of immediate means - \$1,109,176 05

Leaving a balance of immediate liabilities over immediate means, of - - - - - \$291,282 35

To meet this, the Bank has,

|                   |   |   |   |                |
|-------------------|---|---|---|----------------|
| Bills discounted, | - | - | - | \$1,339,215 00 |
| Bills of Exchange | - | - | - | 270,738 40     |

\$1,609,953 40

As the bank, with many others, suspended specie payments in November last, it is with pleasure I inform you that we are now prepared for a resumption. And as the 15th of January has been agreed upon by the eastern banks, for the resumption of specie payments, we therefore look forward to that time in hopes to see confidence once more restored, and the currency of our country fixed upon a safe and sound basis.

During the suspension of specie payments as above mentioned, it was thought prudent by our Board to declare a smaller dividend than heretofore, believing that it would be more advantageous to the bank, and render greater security and confidence to the note-holders. In consequence of which, this bank has declared a dividend for the last year of six per cent. only, and by this means, has added to the surplus fund, during the past year, upwards of sixty thousand dollars, and we expect, on the first of January next, to add twenty thousand dollars more, making an aggregate sum, in the space of eighteen months, of about eighty thousand dollars, which will hereafter be set apart for a contingent fund.

Under date of the 5th of November, 1838, I made a statement to the Auditor of Public Accounts of the amount of bonus due from this bank, on the capital stock paid in on the 1st of January, 1838, and 1839, calculated on the amount of capital stock paid in by individuals, and the State. After making this statement, we understood that the bonus was not required

to be paid on the State stock by the State Bank, or at least it was not paid by them, and believing that the Legislature would not require more from this Bank than the State Bank, the whole matter has been suffered to remain until this time, without paying any of the bonus. We have now made a statement to the Auditor of Public Accounts, showing the amount of bonus due on the capital stock paid in by individuals up to the 1st of January, 1838, 1839, 1840, and 1841, which we propose to settle in Auditor's Warrants, that have been paid by this bank. As there appears to be considerable doubt whether the bonus must be paid on the State stock or not, we have concluded to adjust the bonus on the individual stock up to January next, and leave the bonus on the State stock for future investigation.

All which is respectfully submitted.

JOHN SIDDALL, *Cashier.*

STATEMENT of the condition of the Bank of Illinois, and Branches, on the 2d day of November, 1810.

Dec. 2.]

HOUSE OF REPRESENTATIVES.

57

| LIABILITIES.                      |   | MEANS.                             |                       |
|-----------------------------------|---|------------------------------------|-----------------------|
| Capital Stock owned by the State, | - | Bills Discounted,                  | - \$1,339,215 00      |
| Do. do by Individuals,            | - | Bills of Exchange,                 | - 370,738 40          |
| Notes in Circulation,             | - | Suspended Debt,                    | - 28,313 41           |
| Treasurer of United States,       | - | Fund Commissioner,                 | - 240,037 04          |
| Unclaimed Dividends,              | - | State of Illinois for State House, | - 84,197 00           |
| Individual Deposits,              | - | Illinois State Scrip,              | - 25,280 96           |
| Due to other Banks,               | - | Insurance Stock,                   | - 1,500 00            |
| Branch Balances,                  | - | Due from other Banks,              | - 308,539 63          |
| Discount, Exchange, and Interest, | - | Real Estate,                       | - 62,426 95           |
| Surplus Fund, -                   | - | Incidental Expenses,               | - 6,566 67            |
|                                   |   | Specie on hand, -                  | - 413,255 38          |
|                                   |   | Notes of other Banks,              | - 63,147 00           |
|                                   |   |                                    | <u>\$2,843,217 44</u> |
|                                   |   |                                    | \$2,843,217 44        |

Which was read, and,

On motion of Mr. Webb,

Referred to the committee on Finance.

On motion of Mr. Murphy of Cook,

The vote ordering one hundred and fifty copies of the report of the President of the State Bank of Illinois, to be laid on the table and printed, was re-considered, and,

On motion of Mr. Webb,

The same was referred to the committee on Banks and other Corporations, when

The House adjourned.

### THURSDAY, DECEMBER 3, 1840.

House met pursuant to adjournment.

Mr. Crain from the committee on Engrossed Bills, reported as correctly engrossed, a bill for an act to amend an act entitled "An act to provide for the settlement of debts and liabilities incurred on account of internal improvements in the State of Illinois," approved February 1st, 1840.

On motion of Mr. Minshall,

*Resolved*, That the committee on Banks and other Corporations be instructed to enquire into the expediency of increasing the banking capital of the Bank of the State of Illinois, \$3,000,000, and the expediency of appropriating the dividends to arise therefrom to the payment of interest on the State debt, and that they report by bill or otherwise.

On motion of Mr. Dodge,

*Resolved*, That a joint select committee of three from the House of Representatives, and two on the part of the Senate be appointed to draft a memorial, praying Congress to make a further donation of land to the State of Illinois, to aid her in the prosecution of the Illinois and Michigan Canal.

*Ordered*, That Messrs. Dodge, Henderson and Leary be the committee on the part of the House.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that they have concurred with them in the adoption of a resolution, having for its object the appointment of a joint select committee for the purpose of investigating the official acts and doings of the Board of Public Works; and that they have appointed Messrs. Hacker and James the committee on the part of the Senate.

Also, that the Senate have refused to concur with the House of Representatives in the adoption of the resolution in relation to the removal of the Seat of Government from Springfield to Vandalia.

By a joint resolution, I am also directed to lay before the House of Representatives, the Reports of the President of the State Bank of Illinois, and the Fund Commissioner, and that they have ordered the printing of the usual number of copies of the report of the Fund Commissioner for the use of the two Houses.

On motion of Mr. Munsell,

The resolution proposing an investigation into the proceedings of the Board of Canal Commissioners, was taken up for consideration; and

On motion of Mr. Hardin,

The resolutions were amended by striking out all of the first resolution that relates to the appointment of a joint select committee of the two branches of the Legislature, to the word "Legislature" in the 4th line, and insert the following:

"That the committee on Canals and Canal Lands be instructed to report a bill to this House, authorizing the Governor to appoint a board of three auditors, who shall proceed to Lockport, &c."

And add to the end of first resolution the following: "and make report of the result of their investigation to the Governor, which shall be published in the paper of the public printer."

Also by adding the following additional resolution:

"Resolved, That said committee also insert in said bill, that the said board of Auditors, audit, settle and adjust the accounts of said Canal Commissioners and Treasurer of said Board, as well of those heretofore in office as those now in office, and that in case any one of said officers is indebted to the State, that they require suit to be brought against such person on their official bonds; which resolution as amended was then agreed to; when,

The House adjourned,

#### FRIDAY, DECEMBER 4, 1840.

The House met pursuant to adjournment.

Mr. Murphy of Cook, from the committee on Banks and other Corporations, to which was referred the communication from the State Bank of Illinois, reported the same back to the House, and recommended the printing of 150 copies thereof; which report was concurred in.

Mr. Peck, from the select committee appointed to investigate the claims of N. H. Purple to a seat in this House as a Representative from the county of Peoria, reported as follows, viz:

*The Select Committee, to which was referred the Petition of Norman H. Purple, contesting the right of William J. Phelps to sit and vote as a member of the House of Representatives, report:*

That an examination under the law of this State which points out the manner of contesting elections, having been gone into by the respective parties, they agreed that their rights to a seat in the House should be decided by the depositions taken under the law in the county of Peoria, and such other written documents as are reported herewith.

A majority of the committee did not feel it their duty, in weighing the evidence before them, to confine themselves alone to those rigid rules which control the opinions of our judicial tribunals in the decision of pecuniary civil rights.

Legal technicalities often carry with them important results, but the majority of your committee did not feel bound to make justice bend to

nice distinctions, nor to sacrifice the rights of a majority because some unwieldy formality has *not* been strictly complied with. The evidence produced is in some respects loose, if the acumen of lawyers is alone to be consulted; but in their deliberations the committee were governed by the mandates of justice, and applied those larger and more sensible influences to the decision of a question which involves rights more important than any which the respective claimants can present, if their individual interests are alone to be consulted.

It is not to be supposed that in a contested election, where the evidence is obtained upon the very theatre of dispute, that the clearest and most indisputable of all evidence can be furnished. Individuals cannot be compelled to disclose any facts which will render them amenable to the laws enacted to prevent improper voting. Party influences are made active, and self-preservation stimulates the guilty by every artifice to avoid detection. Hence it becomes exceedingly difficult to square decisions in a case like the present by the unbending rules of evidence, furnished by a Starkie, a Phillips, or a Peake.

Mr. Purple notified Mr. Phelps, on the 31st of August last, of his intention to contest the right of the latter to a seat in this House; which notice was carried out by an examination before three justices of the peace in Peoria county, pursuant to law in that behalf. The result of that examination is reported herewith. *(et. al. p. 2)*

It appears that the sitting member, at the election in August, had a majority of seven votes over the claimant. *(Purple)*

In the scrutiny adopted by the committee, it appears that there were twenty-three illegal votes cast. Of these fifteen were for Mr. Phelps, and eight for Mr. Purple. There were two other votes, about the rejection of which the committee were equally divided.

Two individuals, Enos Rowland and Lewis Lecroy, came to the polls in Peoria precinct, took the oath prescribed by the law, and wished to have their votes recorded for Mr. Purple. Two of the judges of election, making a majority of the board, rejected these two voters of their mere motion, without any evidence impugning the right of the individuals claiming the franchise. A majority of the committee are of opinion that these votes should be counted for Mr. Purple.

Without enlarging upon the reasons for this opinion, your committee would only suggest that it would be unwise and dangerous, to permit judges of election from mere caprice, or any worse reason to reject votes, as by such means it would be in their power to control all elections of the people.

It was agreed between Messrs. Purple and Phelps, that each should vote for the other. Mr. Purple carried his part of the agreement into effect; but Mr. Phelps, from illness, was unable to attend the polls, and consequently could not vote for Mr. Purple. It is proposed now, that the vote of Mr. Purple should not be counted for Mr. Phelps, and although the latter gentleman assents to this proposition, your committee do not feel authorized to reject the vote of Mr. Purple, his legal right to cast the vote not being questioned.

Majority of votes on the poll books for Mr. Phelps, seven.



|   |   |   |   |       |
|---|---|---|---|-------|
| Number of illegal votes cast for Mr. Phelps,            | - | - | - | 15    |
| Illegal votes cast for Mr. Purple,                      | - | - | - | 8     |
|   |   |   |   | <hr/> |
|   |   |   |   | 7     |
| Two votes for Purple improperly rejected by the judges, |   |   |   | 2     |
|   |   |   |   | <hr/> |
|   |   |   |   | 9     |

Majority of Mr. Purple over Mr. Phelps, two, not including the two votes about which the committee are equally divided.

A majority of your committee recommend, that William J. Phelps be not considered as having a right to sit and vote in this House, and that Norman H. Purple be declared to be the representative elect from the county of Peoria, and that he take his seat in the House in lieu and stead of the said William J. Phelps, and recommend the adoption of the following resolution:

*Resolved*, That Norman H. Purple, having received a majority of all the legal votes in the county of Peoria, at the late August election, for Representative, be declared the sitting member in this House from said county.

Which was read.

Mr. Henderson demanded a call of the House, which having proceeded for some time, was,

On motion of Mr. Lincoln,

Dispensed with.

Mr. Hardin, from the select committee appointed to investigate the claims of N. H. Purple to a seat in the House as a Representative from the county of Peoria, made a minority report, as follows, viz:

*The undersigned, being a minority of the Select Committee, to which was referred the petition of N. H. Purple contesting the right of W. J. Phelps to hold a seat in this house, as a Representative from the county of Peoria, beg leave to report:*

That they have given the subject a most careful and thorough consideration, and regret that, in deciding upon the qualifications of persons to vote, as well as in the conclusions adopted by the majority of the committee, they are constrained wholly to differ with them.

The only testimony which has been submitted to the committee is a bundle of depositions, which we feel constrained to say, are of the most imperfect, loose and unsatisfactory description; and far the largest portion of the depositions are such as would be wholly rejected as evidence in any court of Justice.

According to the understanding of the testimony, entertained by the minority, there are but about eleven votes proved to be illegal, by primary and positive evidence, (by which we mean, the best evidence which could be produced to prove the fact desired.) Of these eleven votes, five voted for Phelps, and six for Purple. Thus, if we are governed by the same rules of law which prevail in courts of justice, the right of Phelps to retain his seat cannot, in our opinion for a moment, be questioned.

The remaining testimony, which is by far the largest portion, consists of hearsay or secondary evidence, being statements which witnesses say

they heard made since, and in many instances, weeks, months and years previous to the August election, by the voters themselves, or their fathers, brothers, and brothers-in-law; and also, recollections of family records. And this hearsay testimony is presented in a still more questionable position from the facts which appear in many of the depositions that the voters themselves, or their fathers, brothers, brothers-in-law and the family records were in Peoria county, and of course could have been brought before the persons taking the depositions, and thus enabled the parties to have presented the best evidence to prove the facts desired. Evidence of this description is not received in courts where the testimony of the person who made the statement can be had, and we think it could not be received in this case, for the same reasons which have induced courts to reject it. If this character of testimony is admitted, it will lead to the greatest uncertainty in the investigation, and will open a door for frauds of the most startling description. If such testimony is to be admitted, the seat of no member in this body will be secure, although in truth he may be fairly and honestly elected. And in contested elections, the effort will be, not to prove the largest number of illegal votes by positive testimony, but to hunt up the greatest number of rumors, as it is generally easier to prove five men to be illegal voters by hearsay, than one man by positive proof. These objections exist to the testimony taken on both sides, and in our opinion should induce the House to reject every deposition when it appears that better evidence to prove the desired fact, could be obtained than that which is given.]

But the minority of the committee are of the opinion, that if the whole testimony is taken together, and the same rule of construction equally applied, that it will clearly show that the sitting member, Mr. Phelps, is entitled to his seat.

We will briefly advert to the facts which have led us to this conclusion:

Taking the whole testimony together, the committee came to the conclusion that the votes of the following named persons were good, some of whom voted on either side, and we presume their right to vote will not be again disputed, as there was no diversity of opinion, as it respects them in the committee, to wit:

John Hogg, Jr., Isaac Underhill, William C. Terry, Isaac Clayton, Michael R. Hughes, Charles B. Benson, David G. Lisk.

The following named persons who voted for Phelps were decided to be illegal voters by at least seven of the committee, whose right to vote, if hearsay and secondary evidence is admitted, will most probably not be contended for, to wit:

Theodore Adams, Quincy A. Jordan, R. Burlingame, Benjamin H. Bauvard, George Hillman, Myron M. Lisk, Hiram Robinson, Dexter Hood, Allen Cromlet, Matthew Ellis.

The following named persons, who voted for Mr. Purple were decided by at least seven of the committee, to be illegal voters, taking all the testimony together, and it is presumed it will not be alleged that they are legal voters if all the testimony is admitted, to wit:

George Almarode, Peter Decker, John Davis, Samuel Carroll, William Young, Thomas Richardson, James Murden, William Whiting, John Hillhouse, or Hillis,

The right of the following named persons to vote, (who voted for Phelps) could not be agreed on in the committee, to wit:

Noble M. Farrington, William Adkins, George Winkler, Christopher Winkler, Horace Adams, Harris Whitaker, Robert Smith, John Martin.

The right of the following named persons to vote, (who voted for Purple) could not be agreed on in the committee, to wit:

|                       |                     |
|-----------------------|---------------------|
| James Temple,         | George W. Patton,   |
| William H. Fessenden, | Charles H. Freeman. |

The committee could not agree whether Enos Rowland, and Lewis Lecroy, whose votes were rejected by the judges of the election, were legal voters, and who would have voted for Purple, if they had been permitted to vote.

It is in reference to these two last lists of voters' names, that the attention of the House should be particularly directed, as the contest to the seat must be decided with reference to these voters.

It appears from the poll books, which were admitted to be evidence by consent, that at the August election, W. J. Phelps received 724 votes, and N. H. Purple received 717 votes, leaving Phelps a majority of seven. The number of illegal votes admitted to be proved by taking hearsay and positive proof, is ten for Phelps and nine for Purple, which still leaves Phelps a majority of six. In the columns of disputed votes, the House must find illegal votes enough for Phelps, and legal votes for Purple to change this result.

A few suggestions will be offered with reference to the votes of some of the persons who are declared to be illegal voters by a majority of the committee:

Two persons voted for Phelps, whose votes were thus rejected, are George and Christopher Winkler. It is proved they have lived in the State more than three years, and there is no dispute as to their age. One of them resided, as is proved, for five months previous to the August election in Peoria county, and the other for two or three months previous to that election, and they were residing there at the election, and at the time of taking the depositions; yet, because it was proved that they had formerly resided with their father in Tazewell county, and each owned a lot of land there, the majority of the committee come to the sage conclusion that they had no right to vote in Peoria county.

It is a principle of law, as well as of justice and common sense, that every man's vote on the poll book is to be considered to be good until the contrary appears from evidence. Apply this principle to the case of Noble M. Farrington, who was likewise decided to be an illegal voter for Phelps by the majority of the committee. Waller Stuart, the only witness who speaks of Farrington, says that he came on board the steamboat Tennessee, at St. Louis, in March last, and came up the Illinois river to Peoria; and Farrington told witness that *it was the first trip he had ever made up said river*. Witness does not know where Farrington resided before he came on board at St. Louis; and it is not shown but that he had resided in Peoria several years, and had come to the State by land. This being the whole testimony, the majority of the committee decided that he was an illegal voter. The grounds upon which they arrived at that conclusion must have been, that to entitle a man to vote he

must have made a trip up the Illinois river at least six months previous to the August election. It is to be hoped that the House will not sanction this qualification as it will be a great inconvenience to many of the citizens of this State to take the necessary trip up the Illinois river to qualify them for voters.

The vote of Wm. Adkins was rejected, as it appears to some of the undersigned, on evidence equally as unsatisfactory as that relative to Farrington.

The vote of Robert Smith was also rejected. The only witness who speaks of Smith, is his father, who testifies that he was married, as he thinks, in 1817, but does not recollect whether his son is 21 years of age or not. He does not believe his son voted as he told him he had not, and was told so by others. He knew one other Robert Smith in Peoria county and had heard of several others in the county. It appears from the poll books that two Robert Smiths voted in Peoria county, but there was no evidence to show that this was one of them. Besides, there was no evidence that he was a minor if he had voted. In the absence, then, of all certain proof that this Robert Smith either voted or was a minor, his vote is declared by the majority of the committee to be illegal, and is stricken from Phelps' vote.

John Martin's vote, who voted for Phelps, was declared by the majority of the committee to be illegal. One witness, Jesse Lee, states that Martin's father stated to him that his son, John Martin, would be 21 in November 1840, and that then he intended to make him a deed for a quarter section of land. James Clark, another witness, says that he has seen the family record of John Martin's father, in the family bible, and that record states that John Martin was born at Argyle, November 4, 1818; and he also states that John Martin's father told him that John Martin was born 4th of November, 1818. This is all the testimony about that voter. The testimony of the witnesses in relation to the statements of the father are flatly contradictory, whilst the family record coincides with the statement of one witness, and proves John Martin to be 21 years of age; yet the majority of the committee most strangely decide this to be an illegal vote.

The case of Horace Adams, a voter for Phelps, is another case of contradictory hearsay testimony, where the majority likewise decide him to be an illegal voter.

The attention of the House is called to the votes of George W. Patton and James Temple, who voted for Purple, and who were decided by the majority to be legal voters. Patton had been on the steamboat Tennessee for a year; and if the same rule of evidence is applied to him which was applied by the majority of the committee in some of the cases decided to be illegal, his vote must also be declared to be illegal. As for Temple, it is clearly proved that he had not his residence in Peoria county at the time of the election, and that he had been at work and had resided in St. Louis, Missouri, since last February, which would of course disqualify him from being a voter.

In the case of John Davis, the witness who impeaches his vote—says that Davis told him he had voted the Whig ticket in August. The poll-books show this to be a mistake, and that he voted for Purple. It is therefore a bad vote to be taken from Purple, and not from Phelps.

The votes of Enos Rowland and Lewis Lacroy were rejected by the judges of the election, who would have voted for Purple. These votes are declared good by the majority of the committee, and added to the number given to Mr. Purple. The reasons why the judges did not think Lacroy's vote good, are not given; but we think there is no doubt but there were good reasons for rejecting Rowland's vote. He stated to one witness that his wife was then living in Indiana, and that he had resided off and on in the State two years; that he had come down the Illinois river the *morning of the day of the election* in the steamboat Tennessee, and if he could get work he intended to stay in the county. He left, however, as witness thinks, the next day after the election, and has not been back to Peoria since. It is true. Rowland offered, and we believe it is in proof, did take the oath prescribed by the law as to his residence, &c.; but if he did so, and the facts stated by the other witnesses are true, *we cannot but believe that he perjured himself.* He had not been in the county twenty hours, and had no intention or expectation of remaining there, unless he got work, which he did not, and left next day; thus showing clearly that he was a transient person, probably in search of work, without any residence in the county of Peoria. And if he had not stated the truth under oath, the law does not require either the judges of election, or this House, to believe his oath. It would seem that *coming down the Illinois river that morning* had qualified Rowland to vote, whilst Farrington's *coming up the Illinois river* five months previous, had disqualified him. *This case shows truly the great difference between going up and down stream.*

The only other voters, whose right to vote we would in this Report ask the attention of this House to, are William H. Fessenden and Charles H. Freeman, who voted for Mr. Purple, and whose votes are decided to be legal by the majority of the committee.

They came to Illinois in the summer of 1839, from Massachusetts, where they left their families, and bought land; and one of them, Fessenden, commenced building a house in Peoria county. They returned to Massachusetts the fall of 1839, with the intention of moving to this State with their families in the spring of 1840. They did move to Peoria from Massachusetts, with their families, and reached Peoria in May or June last. One of them, Fessenden, told a witness that he had voted in Massachusetts at the November election in 1839. Two witnesses who know them both, positively swear that these men were not residents of the State of Illinois for six months previous to the August election, and there is no testimony whatever to contradict them. And the fact of Fessenden voting in Massachusetts in November, 1839, clearly shows his understanding of their place of residence. If these men are entitled to vote, then it must be, that the fact of their buying a piece of land, and beginning to build a house on it, qualifies them to vote. Whilst on the other hand, although it is proved that George and Christopher Winkler resided in Peoria at the time of the election, yet, because they owned land in Tazewell county, they are disqualified from voting in Peoria. This would seem to be deciding that a man has a right to vote in the county where he has owned land for six months, and no right to vote elsewhere. What is this but a revival in effect of the odious and anti-

democratic doctrine of a *freehold property qualification*, which we had hoped was banished from the West forever.

If, then, we depart from the ordinary rules of evidence, and take all the testimony contained in the depositions, subtracting from both Phelps and Purple the votes which are proved to be illegal by hearsay and secondary evidence, the undersigned conscientiously believe that it will not make a difference of two votes either way in the majority of seven, which it appears from the poll-books Phelps received over Purple.

It has been gratifying to the undersigned that nothing has appeared in the depositions, or from any other quarter, during the investigation, which would even look like imputing fraud or unfairness to either Mr. Phelps or Mr. Purple. Nothing has appeared to us but gentlemanly and honorable conduct.

It is perhaps proper here to state, that it was agreed before the committee, that previous to the election, these gentlemen had agreed to vote for each other, and that Mr. Purple had accordingly voted for Mr. Phelps, but that Mr. Phelps, on the day of the election, and for some time previous had been confined to his bed with illness, and therefore had not voted for Purple. Mr. Phelps therefore stated to the committee, that he did not claim the vote of Mr. Purple for himself. This conduct, on his part, is honorable, but it does not appear to us that he or any other person, or even this House, possess the right to strike a legal voter's name from the poll-book. If, however, it should be the opinion of this House, that Mr. Phelps is entitled to his seat by a single vote, we then think it would be his duty, as an honorable man, to resign his place, and let the seat be filled by another election. To admit any other principle than this, would be to permit a member elect of this House, from honorable or mercenary motives, to give away or sell out his seat in this House to one who was not duly elected by a majority of the legal voters of his county.

In the absence, then, of all unfairness, and of all suspicion of fraud in the management of the election, and the sitting member, Mr. Phelps, having received the largest number of votes, as appears by the poll-book, and having honestly obtained his certificate of election from the proper officer, the fullest and most indubitable testimony should be required by this House, before they oust him out of his seat. Our Government is one which is, and we trust ever will continue to be, governed by public opinion. The acts of Legislative bodies should not only be fair and honest, but the motives of the Legislators should be above suspicion. If in a case like the one under consideration, where the right of the sitting member to retain his seat can only be questioned by a resort to hearsay and most doubtful testimony, will it not be setting a precedent to an unprincipled majority in some future Legislature, upon the same grounds to supplant an obnoxious member, and supply his seat with a pliant political partizan, or a subservient personal friend?

We are assembled here as the representative agents and political servants of the People—not as their masters or dictators. No man has a seat in this Hall in his own right, or in virtue of his own act; but each one is here as the selected agent of a majority of his constituents. It is a fundamental principle in our Democratic Republican institutions, that *the majority shall rule, and their will be law*. Let us not, then, lightly set

aside—and upon loose and uncertain testimony, declare unworthy of credit—the poll-books of our elections, which are the exclusive testimony of the will of the majority. We fully acknowledge the truth that spurious and illegal votes should be rejected; but let us not in our anxiety to detect illegal votes, and to do equity between the parties, give occasion to the enemies of popular rights to say, or to the friends of true liberty to suspect, that we, the Representatives of a free People, from whose decision there is no appeal, make the will of a majority of a county which should govern in the selection of their Representative, yield to the will of a majority of this House, and thus trample, rough-shod, under our feet, the laws of the land, the Constitution of our State, which we have sworn to support, and the will of the People of Peoria, whose right it is in this case to rule, and whose wishes should not be disregarded.

In a contest of this character, the personal feelings of members should not be permitted to exercise the least influence. The claims of Mr. Purple or Mr. Phelps, are but as spars to the mighty vessel which bears them, when compared with the great principle which is involved in this case—the right of the People to be represented by their legally selected agents. It is for them, and with reference to their rights, we must act, as legislators governed by liberal and enlightened views, and foreseeing the consequences of our acts, and as jurors sworn to do justice in the case.

In concluding this Report, inasmuch as there is so wide a difference of opinion between the undersigned and the majority of the committee, and as the committee were as nearly equally divided as their number will admit, we earnestly request each member of this House to examine the depositions, and to give the case of each voter, whose right to vote is in dispute between the majority and minority of the committee a careful and thorough investigation; not doubting but that this House, if its members make that investigation, will come to the conclusion which has been arrived at by the undersigned—that from all which appears in the poll-books and depositions, *William J. Phelps* is the legally elected Representative of the County of Peoria.

JOHN J. HARDIN,  
PETER MENARD, Jr.  
A. GRIDLEY,  
WM. H. HENDERSON.

Which was read, and,

On motion of Mr. Lincoln,

Said reports were referred to a committee of the Whole House.

Mr. Peck moved that the House now resolve itself into a Committee of the Whole on the subject of the reports.

Mr. Webb moved to re-consider the vote on referring the foregoing reports to a committee of the Whole House; which was not agreed to.

When the House resolved itself into a Committee of the Whole; Mr. Murphy of Cook in the Chair, on the matter of the contested election of Peoria county, and after some time spent therein, they rose, reported progress, and obtained leave to sit again.

A message from the Senate by Mr. Berry, their Assistant Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have adopted the following resolution:

*Resolved by the Senate, the House of Representatives concurring herein,* That there shall be elected at the present session of the General Assembly, three competent persons, well skilled in the law, to revise and condense all the laws of this State of a general nature, that were in force at the commencement of this session of the General Assembly, and that they be required to present the same to this General Assembly, before the end of this present session, for their consideration and approval; in the adoption of which resolution, they ask the concurrence of the House of Representatives.

The House adjourned to 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Kitchell moved to suspend the rules of the House to enable him to make a report from the Judiciary committee; which was not agreed to.

Mr. Murphy of Perry demanded a call of the House; proceedings under which having continued for some time, were,

On motion of Mr. Kitchell,

Suspended.

Mr. Kitchell, on leave, introduced the following report from the Judiciary committee:

The committee on the Judiciary, to whom was referred a resolution of the House, directing them to enquire and report "whether the eleventh or twelfth General Assembly should have convened under the late Proclamation of his Excellency, the Governor of Illinois; and whether, if the Legislature, as at present organized, be legal and constitutional, it should not adjourn *sine die*, on some day previous to the first Monday in December next, and be called a special session; and the regular session of the twelfth General Assembly commence on the said first Monday in December, agreeable to our State Constitution;" Report that they have considered the subjects of the foregoing resolution submitted to them, and are of opinion that the present members now assembled are constitutionally the first session of the twelfth General Assembly of the State of Illinois, and are properly convened under the late Proclamation of the Governor—that the present Assembly being called at an irregular time under the provision of the 9th section of the 3d article of our Constitution, shall be called a special session, and recommend that it adjourn without day on Saturday, the fifth of the present month.

Mr. Dougherty, from a minority of the same committee presented the following report:

The minority of the committee on the Judiciary, to whom was referred the following resolution, to-wit:

*Resolved,* That the committee on the Judiciary be instructed to enquire whether the eleventh or the twelfth General Assembly should have convened under the late proclamation of his Excellency the Governor of Illinois; and whether if the Legislature as at present organized be legal



and constitutional, it should not adjourn *sine die*, on some day previous to the 1st Monday in December next, and be called a special session; and the regular session of the twelfth General Assembly commence its session on said first Monday in December agreeable to our State Constitution; and that said committee make report thereon at the earliest practicable period.

1st. That this is the 12th and not the 11th General Assembly of the State of Illinois, each assembly being elected for two years on the first Monday of August, and the time of their appointment or election, not being in the Constitution continued beyond the time of the election of their successors; the term of service of the members who composed the 11th General Assembly expired on the first Monday of August, 1840, and the term of the members of the 12th General Assembly, commenced on the day after the said election, consequently any meeting of the Legislature after the election of members in 1840, must be of the 12th General Assembly.

Having arrived at this conclusion, your committee think the same a sufficient answer to the interrogatories propounded to them in the above resolution, except the latter two, to-wit: whether this should not be called a special session, and if so, adjourn at some day previous to the 1st Monday of December, 1840. Your committee propose considering the foregoing last two propositions, as admitting of an answer, and will consider them together.

The Constitution, Article 2d, Section 24th provides, That "the first General Assembly shall *commence* on the first Monday of October next, and forever thereafter the General Assembly shall meet on the first Monday in December next, ensuing the election of the members thereof, and at no other period, unless as provided by this Constitution." Then it will be seen that in fixing the time for the General Assembly to meet, the convention declared that the General Assembly should meet on the first Monday of December next, ensuing the election of the members thereof, and at no other period unless as provided by this Constitution, thereby creating an alternative to be determined by subsequent provisions of the Constitution, whether the General Assembly should *meet* on the first Monday of December next, ensuing the election of the members thereof, or at some other day, subsequent or previous thereto. The only provision which the Constitution has made concerning this alternative thus fixed in the provision of the Constitution referred to, is the 9th Section, 3d Article of the Constitution which provides that, the Governor may, on extraordinary occasions, convene the General Assembly by proclamation, and shall state to them when assembled, the purpose for which they shall have been convened. The question then may be asked, when shall the Legislature meet. The answer is, on the first Monday of December next, ensuing the election of the members thereof, and at no other period, unless the Governor shall upon an extraordinary occasion convene them; for most certainly, the power reserved to the Governor to convene the General Assembly, was the alternative contemplated by the Convention, when in the 24th section of the 2d article, they provided that the General Assembly should meet, &c., unless as provided in this Constitution.

Then it follows, that there are two distinct periods provided in the Constitution, when the General Assembly may meet, either first in the absence of an extraordinary occasion, in the opinion of the Governor, on the first

Monday of December next, ensuing the election of the members thereof, or second, when an extraordinary occasion happens in the opinion of the Governor, at which time he may convene them by proclamation. There being in the Constitution no power conferred upon the Governor, to prolong the time of the meeting of the Legislature to a day subsequent to the first Monday of December next, ensuing the election of the members thereof, it is conceded that the Legislature must so meet, unless sooner called together by the Governor; but when so met, there is certainly no necessity why they should call it by the name of a *special session*, or adjourn previous to the first Monday of December, 1840, and in this we have the precedent of a former Legislature. The executive of this State, in the year 1824, convened the General Assembly on the 15th day of November, under the provisions of this Constitution, and we find that they considered it as merely a more early meeting of the General Assembly; on the Saturday evening previous to the first Monday of December, they adjourned; as on any other day of the session; & on Monday morning met pursuant to adjournment, thereby clearly showing that they deemed it but an earlier meeting of the General Assembly, resulting from an extraordinary occasion.

But, it may be said, when the General Assembly are called together by the proclamation of the Governor, they are so called to consider of, and provide for special causes of complaint and necessity; this is admitted, but does it follow that they either can transact no other business, except what is pointed out in the Governor's message, or that they *must* previous to the first Monday of December, have by law provided, for the necessity which brought them together, or that they are actually bound to provide for it at all? We conceive that when convened by the Governor, to provide or not to provide for the emergency, is solely in their discretion. The name special session is arbitrary at best, and is not known to the language of the Constitution, therefore, there can be no constitutional necessity for calling this a special session.

Again, should this General Assembly adjourn before the first Monday of December next, while they have business on hand, as for instance, the three prominent measures recommended by the Governor in his message, to wit: 1st, payment of wages to Thornton. 2d, correct the evils found in the elective franchise, and 3d, payment of interest on State debt. A question may arise as to the fact, whether we do not put it out of our power to provide at once for the grave and serious evils likely to grow out of the want of such provision; it is true that by a resolution passed after the meeting of the General Assembly, on the first Monday of December, we might probably take up for consideration unfinished business in the House at this session, but the very necessity determines its impropriety as without such resolution, that is simply by the act of adjournment *sine die*, unaided by a resolution of the subsequent General Assembly, we cannot avail ourselves of the business commenced and in progress at this session; again it may be matter of doubt, whether a resolution would enable us to put the business before the subsequent Legislature in the same state of forwardness as we left it in the last. But again, would not the members be entitled to double mileage to and from the Seat of Government, should we adjourn but for one minute before the first Monday of December next, your committee are of opinion that they would. On the other hand, the

construction your committee has to put upon the Constitution is not objectionable to any of the evil consequences enumerated above; and it is rather strange to your committee, that doubts as to the fact whether we should adjourn previous to the first Monday of December next or not, should now exist when the precedent above referred to, has been acquiesced in, for sixteen years, and no complaints heretofore made against consequences which resulted from the same. Your committee are therefore of opinion, that unless we are without business, there is no necessity for an adjournment previous to the first Monday of December next, and that this is a General Assembly of the State of Illinois.

Which reports were read, and

On motion of Mr. Minshall,

Were laid on the table.

Mr. Kitchell moved to take up for consideration, the following bill for "An act to amend an act entitled 'An act to provide for the settlement of debts and liabilities incurred on account of internal improvements in the State of Illinois,' approved February 1st, 1840; which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Barnett, Bentley, Bissell, Bussy, Carpenter, Courtright, Dollins, Edwards, English, Gillespie, Hankins, Hardin, Kitchell, Lester, McClerland, McClurken, McGinnis, Minshall, Moore, Munsell, Odam, Olds, Oliver, Ormsbee, Reynolds, Thornton, Trumbull, Waters, Wilson, Woodson, Wood, and Mr. Speaker—34.

Those who voted in the negative, are,

Messrs. Able, Archer, Bailey, Beall, Bennett, Blackman, Bradford Brown of Sangamon, Brown of Vermilion, Canady, Cavarly, Charles, Cox, Crain, Cunningham, Darnielle, Denny, Dodge, Dougherty, Drummond, Dunlap, Emmerson, Francis, Froman, Funk, Green, Gridley, Henderson, Hicks, Hull, Humphrey, Laughlin, Leary, Lincoln, Logan, McDonald, McLean, Marshall, Murphy of Cook, Murphy of Perry, Parkinson, Parsons, Peck, Phelps, Phillips, Ross, Scott, Shepley, Threlkeld, Troy, Turney, Webb, Wheeler, and White—54.

Mr. Lincoln moved that the House now resolve itself into a committee of the Whole, on the case of the contested election in Peoria county; which was not agreed to, when,

On motion of Mr. Woodson,

The case of the contested election from Peoria county was made the special order of the day for Monday next.

Engrossed bill for "An act to amend an act entitled 'An act to provide for the settlement of debts and liabilities incurred on account of internal improvements in the State of Illinois,'" approved February 1st, 1840; was read the third time.

Mr. Henderson moved to amend the first section of the bill by striking out "15th December, 1840," and inserting "1st day of January, 1841;" which was not agreed to.

And on the question being put—"Shall the bill pass?"

It was decided in the affirmative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bailey, Baldwin, Barnett, Beall, Bennett, Bentley, Bissell, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Bussy,

Canady, Carpenter, Cavarly, Charles, Courtright, Cox, Crain, Cunningham, Darnielle, Denny, Dodge, Dollins, Dunlap, Edwards, Emmerson, English, Francis, Froman, Funk, Gillespie, Green, Hankins, Hardin, Hicks, Humphrey, Kitchell, Laughlin, Leary, Lester, Logan, McClermand, McClurken, McDonald, McGinnis, Marshall, Minshall, Moore, Munsell, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parkinson, Parsons, Phelps, Phillips, Reynolds, Ross, Scott, Shepley, Thornton, Threlkeld, Troy, Trumbull, Turney, Waters, Webb, Wheeler, White, Wilson, Woodson, Wood, and Mr. Speaker—77.

Those who voted in the negative, are,

Messrs. Able, Archer, Dougherty, Drummond, Gridley, Henderson, Hull, Lincoln, McLean, Menard, and Peck—11.

On motion of Mr. Wood,

The rule of the House was dispensed with, and Senate bill for "An act to provide for the manufacture of salt at the Gallatin Salines," was taken up for consideration, read a first time, and

*Ordered* to a second reading.

On motion of Mr. Lincoln,

The rule of the House was dispensed with, and the bill read a second time by its title, and on his further motion, referred to the committee on Salines.

Mr. Kitchell moved that the House now go into committee of the Whole on certain resolutions; which was not agreed to; when,

On motion of Mr. Peck,

The House resolved itself into a committee of the Whole, on the bill for "An act to provide for the payment of interest on the public debt," and after some time spent therein, the committee rose, reported progress, and asked leave to sit again; which was not granted; when,

On motion of Mr. Murphy of Perry,

The bill and proposed amendments were referred to the committee on Finance.

On motion of Mr. Dodge,

Leave was granted to N. H. Purple, the claimant to a seat in this House as a Representative from the county of Peoria, to appear on Monday next, and participate in the debates in relation to the contested seat from said county; when

The House adjourned.

## SATURDAY, DECEMBER 5, 1840.

House met pursuant to adjournment.

Mr. Wheeler presented the petition of sundry citizens of Pike county, praying for the passage of a law, to make clerks of circuit courts in this State elective by the people; which was read, and on his motion, referred to a select committee.

*Ordered*, That Messrs. Wheeler, Murphy of Cook, English, Carpenter, McLean, Brown of Sangamon, and McClernand be said committee.

Mr. Brown of Vermilion, presented the petition of sundry citizens of Vermilion county, praying for the vacation of certain town lots, in the

town of Danville; which was read, and on his motion, referred to a select committee.

*Ordered*, That Messrs. Brown of Vermilion, Parsons and Waters be said committee.

Mr. Wood from the committee on Salines, to which was referred a bill for an act entitled "An act, to provide for the manufacturing of Salt at the Gallatin Saline, having had the same under consideration, reported the same back to the House with the following amendment.

Strike out the words "said first" in the third line of the second section, and insert the word "tenth;" which was concurred in.

Mr. Threlkeld moved to refer the bill to a select committee; which was not agreed to.

And the bill as amended was

*Ordered* to a third reading.

A message from the Senate by Mr. Berry, their Assistant Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives, that they have adopted the following resolutions, viz:

*Resolved by the Senate, the House of Representatives concurring herein*, That on Saturday the 5th inst., both branches of the Legislature shall be adjourned *sine die*.

In the passage of which they ask the concurrence of the House of Representatives.

The rules of the House being suspended.

On motion of Mr. Brown of Vermilion,

*Resolved*, That the Senate be respectfully requested to furnish to this House for inspection the report of the Auditor of Public Accounts, on the subject of the Gallatin and other Salines, made in obedience to a resolution of that honorable body.

Mr. Wheeler moved to dispense with the rules of the House, and take up for consideration a resolution laid on the table at a previous day in relation to the office of circuit clerks being made elective by the people; which was not agreed to.

Mr. Peck from the committee on Finance to which was referred a bill for "An act to provide for the payment of interest upon the public debt;" reported the same back to the House with the following amendment.

*Provided always*, That the said hypothecation of bonds shall be made upon the conditions, that the bonds so hypothecated shall not be forfeited at less than their par value in market; nor shall the same be offered to sale, without at least eight weeks notice being first given to the State Treasurer of the intention to offer such bonds for sale; which was concurred in.

Mr. Kitchell moved to amend the bill by adding the following proviso:

*Provided*, That no money shall be contracted for under the provisions of this act, at a higher interest than seven per cent. per annum, nor shall any money be applied to the payment of interest on State bonds, whereon the State has not received the money originally contracted for.

Mr. Trumbull moved to lay the bill and proposed amendments on the table; which was agreed to by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Bailey, Baldwin, Barnett, Bennett, Bentley, Bissell, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Bussy, Canady,

Carpenter, Charles, Courtright, Cox, Cunningham, Darnielle, Denny, Dodge, Dollins, Drummond, Dunlap, Edwards, Emnierson, English, Froman, Funk, Gillespie, Green, Gridley, Hankins, Hicks, Humphrey, Kitchell, Laughlin, Lester, Logan, McClurken, McGinnis, Marshall, Menard, Moore, Munsell, Murphy of Cook, Olds, Oliver, Ormsbee, Parsons, Peck, Phillips, Reynolds, Scott, Shepley, Threlkeld, Trumbull, Waters, Wheeler, Wilson, and Wood—60.

Those who voted in the negative, are,

Messrs. Able, Archer, Beall, Crain, Dougherty, Francis, Hardin, Henderson, Hull, Leary, Lincoln, McClernand, McDonald, McLean, Minshall, Murphy of Perry, Odam, Parkinson, Phelps, Ross, Thornton, Troy, Turney, Webb, Woodson, and Mr. Speaker—26.

Mr. Ormsbee from the committee on Public Expenditures, to which was referred a resolution, in relation to printing reports, &c., reported as follows, to wit:

The committee on public accounts and expenditures to whom was referred a resolution, requiring "that no report or other communication presented to this House, shall be entered upon the journals thereof, and printed, except the Auditors and Treasurer's reports, and the reports of standing and select committees, unless by a special order of the House," &c., beg leave to report:

That they have given said resolution the careful consideration which its importance demands, viewing the object of its reference to them as one peculiar to a desire for retrenchment in the expenditure of the public moneys, and submit the result of their consideration, which is as follows:

The committee highly appreciate the manifest motion of the resolution, and were it clear to them that its adoption by the House would obviate an unnecessary accumulation of matter upon its journals, and thereby save in the expenditures of its public printing, it would be an act of unfeigned pleasure on their part to report it back to the House with a desire for its immediate adoption. But the committee on a full examination of the ground over which the resolution is calculated to extend find, that it would exclude from the journals communications to the House, which, if made, are required by the Constitution of the State, to be recorded and printed as well as those, the recording and printing of which has the sanction of common usage in all past time. It is a resolution which if adopted, excludes from the journals, minority protests against acts or resolutions by the majority which might be in the belief of the minority, injurious to individuals or the public. Notwithstanding the right of such a protest is secured by the Constitution to any two members of the House, it forbids a constitutional record of objections emanating from the Council of Revision to bills which appear to them imperfect in their formation or otherwise objectionable as laws while it would give place to the labored efficiency of some committee called perhaps to consider the "magnificent importance" of navigating "Big Muddy" or some other subject of less importance than the one now under consideration. The common usage too, of those who have been before us as Legislators, has given place upon the journals for brief statements of the petitions and memorials of constituents while it has left for the files tedious and unimportant reports of committees. In fine, the committee cannot see it probable that the effect of retrenchment by the adoption of said resolution will be such as its

friends apparently expect, since it is obvious to them, that it would open the doors of frequent controversy on the tedious and unprofitable subject of "special order to print" until the minutes of the same would swell our journals beyond the amount of every communication of the session.

Nor can the committee understand how it is proper to avow by a previous resolution the quantity and kind of matter which shall fill the journals of the House, and thereby we should journalize and print, perhaps, the very matter which should have been excluded in the place of that more necessary and important; yet while the committee thus view the effects and impropriety of the resolution in question, they cannot but repeat their opinion of the good intent of the same, and add a hope that members will exercise that discrimination which will lead to a proper disposition of the various communications which may come before them, and that discretion which shall protect their journals from being unnecessarily burthened at the public expense. Therefore, the committee ask to be discharged from further consideration of said resolution, and would respectfully suggest the adoption of the following:

*Resolved*, That the Clerk of the House make up the journals and reports thereof, in separate and distinct volumes, and that the same be so printed, and that whenever an objection shall be made by any two members of the House, to any report or other communication being entered at length upon the journals or books of reports for printing, which is not required by the Constitution of the State, to form a part of the printed records or journals, then the same shall be excluded and filed by said Clerk, (who shall note the fact in his minutes,) unless otherwise ordered by the House.

On motion of Mr. Logan,

The report and resolution were laid on the table.

Mr. Bissell moved to dispense with the rules of the House, and take up for consideration the message from the Senate, which related to adjournment *sine die*; which was lost.

On motion of Mr. Bentley,

Leave of absence was obtained for Mr. White, Representative from Christian county.

Mr. Bissell offered for adoption the following preamble and resolution:

*"Whereas*, The present being a special session of the General Assembly of Illinois, convened under the provision of the 9th section of the 3d article of our State Constitution, must necessarily determine previously to the first Monday of December, instant, therefore,

*"Resolved by the House of Representatives, the Senate concurring herein*, That the General Assembly do adjourn without day, on Saturday, the 5th instant.

Mr. Webb moved that the House adjourn; which was decided in the negative, by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Bennett, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Edwards, Emmerson, Francis, Froman, Gillespie, Gridley, Hardin, Henderson, Hull, McLean, Menard, Minshall, Munsell, Oliver, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Webb, Woodson, and Mr. Speaker—37.



Those who voted in the negative, are,

Messrs. Able, Baldwin, Barnett, Bentley, Bissell, Blackman, Bradford, Brown of Sangamon, Bussy, Carpenter, Courtright, Crain, Dodge, Dollins, Dunlap, English, Funk, Green, Hankins, Hicks, Humphrey, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Ormsbee, Parsons, Peck, Ross, Scott, Shepley, Trumbull, Turney, Waters, Wheeler, Wilson, and Wood—48.

Mr. Munsell demanded a call of the House, and the roll having been called through,

On motion of Mr. English,

Further proceedings under the call were dispensed with.

Mr. Murphy of Perry, demanded the previous question,

And on the question—"Shall the main question now be put?"

It was decided in the affirmative, by yeas and nays, as follows, to wit:

Those voting in the affirmative, are,

Messrs. Able, Baldwin, Barnett, Bentley, Bissell, Blackman, Bussy, Carpenter, Courtright, Crain, Dodge, Dollins, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Ormsbee, Parsons, Peck, Ross, Scott, Shepley, Trumbull, Turney, Waters, Wheeler, Wilson, Wood, and Mr. Speaker—47.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Hull, Lincoln, McLean, Menard, Minshall, Munsell, Oliver, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Webb, and Woodson—39.

When the question being put on the passage of the resolution,

It was decided in the affirmative, by yeas and nays, as follows:

Those voting in the affirmative, are,

Messrs. Able, Baldwin, Barnett, Bentley, Bissell, Blackman, Bussy, Carpenter, Courtright, Crain, Dodge, Dollins, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Ormsbee, Parsons, Peck, Ross, Scott, Shepley, Trumbull, Turney, Waters, Wheeler, Wilson, and Wood—46.

Those voting in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Hull, Lincoln, McLean, Menard, Minshall, Munsell, Oliver, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Webb, Woodson, Wood, and Mr. Speaker—40.

Mr. Kitchell moved to suspend the rules of the House, and take up for consideration the message from the Senate; which was not agreed to.

Mr. Lincoln moved to adjourn, which was decided in the negative, by yeas and nays, as follows:



Those who voted in the affirmative, were,

Messrs. Archer, Bailey, Beall, Bennett, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Hull, McLean, Menard, Minshall, Munsell, Oliver, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Webb, Woodson, and Mr. Speaker—37.

Those who voted in the negative, are,

Messrs. Able, Baldwin, Barnett, Bentley, Bissell, Blackman, Bradford, Brown of Sangamon, Bussy, Carpenter, Courtright, Crain, Dodge, Dollins, Dunlap, English, Funk, Green, Hankins, Hicks, Humphrey, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Ormsbee, Parsons, Peck, Ross, Scott, Shepley, Trumbull, Turney, Waters, Wheeler, Wilson, and Wood—48.

When,

The House adjourned to 3 o'clock.

THREE O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Murphy of Cook demanded a call of the House.

During the pendency of the call, the Speaker laid before the House a communication from W. F. Thornton, Canal Commissioner, which was read and laid on the table.

SPRINGFIELD, Dec. 4, 1840.

*To the House of Representatives:*

GENTLEMEN: From verbal reports of yesterday's proceedings and debates, I learn that it was proposed in your honorable body to institute an enquiry into all the acts and doings of the Board of Commissioners of the Illinois and Michigan Canal. Having had the honor to preside over that Board since the commencement of its operations, and confidently believing that its various, arduous, and unusually responsible duties have been discharged with irreproachable fidelity to the State, I respectfully and earnestly request such equitable but searching investigation, that while it insures justice to the people, will not, by needless delay, inflict injury upon its agents. The books and papers of the office can be transferred to this city as early as the 20th inst, after which time, the Board will be fully prepared to furnish any information necessary to the most rigid scrutiny.

Respectfully,

Gentlemen,

Your ob't serv't.,

W. F. THORNTON.

The Speaker laid before the House a communication from the Fund Commissioner:

OFFICE OF THE FUND COMMISSIONER,  
December 3, 1840.

To the Honorable the SPEAKER  
of the House of Representatives:

In obedience to a resolution of your House, adopted on yesterday, calling for the amount of interest due on our internal improvement debt, on the first of January next, for the payment of which no means are provided; and also the cost and quantity of railroad iron now in the United States, and where deposited, I have the honor to say that these enquiries were pretty fully answered in my report which was read in your House on yesterday, after this resolution was adopted to which I beg leave to refer you. Permit me again to say, however, that State bonds sold on

|  |             |
|--|-------------|
| account of bank stock in the State of Illinois, amounts to | \$1,765,000 |
| Ditto in Bank of Illinois                                  | 900,000     |

|   |             |
|---|-------------|
| Total in the two Banks                                      | \$2,665,000 |
| Ditto on account of railroad, river, and other improvements | 3,187,000   |

|       |             |
|-------|-------------|
| Total | \$5,852,000 |
|-------|-------------|

The interest on \$5,852,000 semi-annually, on the 1st of January, and July of each year is \$175,560.

The above amount will therefore be due on the 1st January, 1841.

Gen. Rawlings, and Col. Oakley last year contracted with Forman of London, through Messrs. Wright & Co. for \$500,000 worth of railroad iron, to be shipped to New Orleans. Said iron has been arriving at that port since last spring, but how much has arrived, I am not prepared to say. Obligated, myself, to be in New York at least four-fifths of my time since the adjournment of the Legislature, in attending to other business of the State, I was under the necessity of sending my brother, James W. Barrett, to New Orleans, to attend to the receiving and shipping of the iron to the State of Illinois; how much has been received at New Orleans, or how much has been shipped to the State of Illinois, I am not yet informed. Some shipments I know have been made to Meredosia, on the Illinois river, and to Alton, on the Mississippi river, and when my brother returns, which I hope will be in a few days, I shall be able to give you more specific information on the subject. If the iron be not laid on some of the roads of the State within three years from the date of its entry in the custom-house in New Orleans, it is subject to the same duty as iron imported by individuals, which I understand is \$30 per ton, or about seventy per cent. If the State should sell the iron, the same duty must be paid.

Therefore, would it not be well for the Legislature to continue one or two of the most important works, and lay the iron, if for no other object but to exempt it from enormous duty.

I have the honor to be,

Very respectfully,

Your ob't. serv't.,

RICH'D. F. BARRETT.

Fund Commissioner.

A message from the Governor, by Mr. Carlin, his private Secretary:

EXECUTIVE DEPARTMENT,

Springfield, Dec. 5, 1840.

To the Honorable the SPEAKER

*of the House of Representatives:*

SIR: In conformity to a resolution of the House of Representatives, addressed to me a few days since, calling for information in relation to the first instalment of £10,000 sterling, received by the Hon. R. M. Young, upon a contract with Messrs. John Wright & Co., of London, for the sale of \$1,000,000 of Illinois and Michigan canal stock.

I have the honor to make the following reply: That I have not in my possession, the facts to enable me to answer specifically, all the enquiries contained in said resolution. During the month of January last, I was informed by letter from the United States Bank, that the sum of \$56,444 44 had been placed on deposit in said bank to the credit of the Hon. R. M. Young. This sum of course includes the proceeds, exchange, and premiums realized from the £10,000 sterling, and indeed, is more than could possibly arise from that source. You will perceive the above sum was deposited on Judge Young's own account. In answer to the enquiries, "whether said first instalment of £10,000 sterling, and the interest, exchange, and premium which have been received from the same have ever been paid to the Canal Commissioners, and if not, the reasons why the same has not been done; also, whether the agents of the State, who had the charge of the said sum of money, refused to pay over the same to the Canal Commissioners, when requested by them; and also, the reason why the said sum of money was not placed at the disposal of the Canal Commissioners as soon as the same was received." I have to say that the proceeds of the said £10,000 sterling has not been paid to the Canal Commissioners, because the contract upon which the money was advanced by Messrs. Wright & Co. was conditional, and was not consented to and confirmed by me, until the 25th of June last, and until that time could not be used for canal purposes, which was subsequent to Gen. Thornton's demand for the money to apply to the payment of the July interest; it was therefore proper to withhold it in readiness to be refunded to Messrs. Wright & Co., in case the contract should not be confirmed.

Consequently the agents declined to pay over the money to the Canal Commissioners when requested by the President of the Board.

I have the honor to be,

Sir, your most ob't serv't.

THOS. CARLIN.

Which was referred to the committee on Finance.

On motion of Mr. Peck,

*Resolved*, That the Sergeant-at-Arms be instructed to compel the attendance of members absent without leave, and bring them in presence of this House, and that he be authorized for that purpose to call to his aid a sufficient number of persons to enable him to enforce a compliance with this command.

On motion of Mr. English,

Further proceedings under a call of the House were dispensed with.

The message from the Senate having for its object the adjournment of that body *sine die* on Saturday the 5th inst., was taken up for consideration, and on being read,

Mr. Peck demanded the previous question, which was decided in the affirmative by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Able, Baldwin, Barnett, Bentley, Bissell, Blackman, Bussy, Carpenter, Courtright, Crain, Dodge, Dollins, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Ross, Scott, Shepley, Trumbull, Turney, Waters, Wheeler, Wilson, Wood, and Mr. Speaker—48.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bradford, Denny, Dougherty, Drummond, Gillespie, Gridley, Lincoln, McLean, Phelps, and Reynolds—13.

The question being put on the passage of the resolution,

It was decided in the affirmative by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Able, Baldwin, Barnett, Bentley, Bissell, Blackman, Bussy, Carpenter, Courtright, Crain, Dodge, Dollins, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Ormsbee, Parsons, Peck, Ross, Scott, Shepley, Trumbull, Turney, Waters, Wheeler, Wilson, Wood—46.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bradford, Denny, Dougherty, Drummond, Gillespie, Gridley, Lincoln, McLean, Oliver, Phelps, Reynolds, and Mr. Speaker—15.

The Speaker then, in conformity to the above resolution, declared the House of Representatives adjourned without day.

**JOURNAL**

**OF THE**

**HOUSE OF REPRESENTATIVES**

**OF THE**

**TWELFTH GENERAL ASSEMBLY**

**OF THE**

**STATE OF ILLINOIS,**

**AT THEIR SECOND SESSION, BEGUN AND HELD IN THE CITY OF SPRINGFIELD,**

**DECEMBER 7, 1940.**

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**SPRINGFIELD:**

**WM. WALTERS, PUBLIC PRINTER.**

**1840.**

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# JOURNAL

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## HOUSE OF REPRESENTATIVES.

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At a second session of the twelfth General Assembly of the State of Illinois, begun and held in pursuance of the provisions of the Constitution, at Springfield, on Monday, the seventh day of December, in the year of our Lord one thousand eight hundred and forty, the Speaker took the chair, and called the House to order, when, on calling the roll,

The following members answered to their names:

From the county of Alexander—WILSON ABLE.

From the county of Union—JOHN DOUGHERTY.

From the county of Johnson—JOSEPH OLIVER.

From the county of Pope—GEORGE T. WATERS.

From the county of Gallatin—JOHN A. McCLEARNAND, DANIEL WOOD, and DAVID J. BLACKMAN.

From the county of Jefferson—STEPHEN G. HICKS.

From the counties of Franklin and Williamson—DEMPSEY ODAM, and ACHILLES D. DOLLINS.

From the county of Jackson—JOHN LOGAN.

From the county of Washington—JOHN CRAIN.

From the county of Perry—RICHARD G. MURPHY.

From the county of White—EDWIN B. WEBB, and ALEXANDER PHILLIPS.

From the county of Edwards—ALLEN EMMERSON.

From the county of Wayne—DANIEL TURNEY.

From the county of Wabash—JAMES BEALL.

From the county of Lawrence—JAMES McLEAN and SAMUEL DUNLAP.

From the counties of Crawford and Jasper—WILLIAM WILSON.

From the county of Edgar—JAMES M. KELLY, and LEANDER MUNSELL.

From the county of Coles—JAS. T. CUNNINGHAM, and THOMAS THREKELD.

From the county of Clark—WILLIAM B. ARCHER.

From the county of Vermilion—JOHN J. BROWN, ISAAC FROMAN, and JOHN CANADY.

From the county of Champaign—MATTHEW W. BUSSY.

From the county of Madison—CYRUS EDWARDS, JOSEPH GILLESPIE, and JAMES REYNOLDS.

From the county of St. Clair—LYMAN TRUMBULL, DANIEL BALDWIN, and DANIEL T. MOORE.

From the county of Monroe—WILLIAM H. BISSELL.

From the county of Randolph—JOHN P. MCGINNIS, and JAMES MCCLURKEN.

From the county of Clinton—JOHN SCOTT.

From the county of Marion—JAMES MARSHALL.

From the county of Bond—RICHARD BENTLEY.

From the county of Montgomery—WICKLIFFE KITCHELL.

From the counties of Fayette and Effingham—WM. LEE D. EWING, and WILLIAM J. HANKINS.

From the county of Clay—PETER GREEN.

From the counties of Greene and Jersey—REVILL W. ENGLISH, and DAVID M. WOODSON.

From the counties of Greene, Jersey, and Calhoun—JOHN McDONALD.

From the county of Macoupin—FRANCIS A. OLDS.

From the county of Morgan—JOHN J. HARDIN, JAMES PARKINSON, JEREMIAH COX, and DANIEL TROY.

From the county of Scott—JOSEPH W. ORMSBEE.

From the county of Cass—AMOS S. WEST.

From the county of Sangamon—ABRAHAM LINCOLN, JAS. M. BRADFORD, JOHN DARNIELLE, JAMES N. BROWN, and JOSIAH FRANCIS.

From the county of Menard—JOHN BENNETT.

From the county of Tazewell—PIERRE MENARD and ALDEN HULL.

From the county of McLean—ASAHEL GRIDLEY, and ISAAC FUNK.

From the counties of Macon and De Witt—ROBERT BARNETT.

From the county of Adams—WILLIAM LAUGHLIN and JOHN G. HUMPHREY.

From the county of Pike—ALPHEUS WHEELER and SOLOMON PARSONS.

From the county of Schuyler—WM. A. MINSHALL.

From the county of Brown—HARVEY LESTER.

From the county of Fulton—LEWIS W. ROSS and OLIVER SHEPLEY.

From the county of McDonough—WILLIAM W. BAILEY.

From the county of Hancock—JOHN F. CHARLES.

From the counties of Warren, Knox, and Henry—JOHN DENNY.

From the counties of Cook, Will, and McHenry—ALBERT G. LEARY, EBENEZER PECK, and RICHARD MURPHY.

From the counties of LaSalle and Kane—ABRAM R. DODGE

From the county of Iroquois—ISAAC COURTRIGHT.

From the counties of Putnam, Bureau, Stark, and Marshall—WILLIAM

H. HENDERSON.

From the county of Peoria—WM. J. PHELPS.

From the district of Jo Daviess, Rock Island, and other counties—HIRAM W. THORNTON, and THOMAS DRUMMOND.

From the county of Hamilton—MILTON CARPENTER.

From the county of Shelby—OWEN PRENTICE.

J. Calhoun, Principal Clerk, George Davis, Assistant Clerk, Robert Smith, Enrolling and Engrossing Clerk, Newton Cloud, Copyist, Wm. G.



Murphy, Door-keeper, and Benjamin Roberts, Assistant Door-keeper attended, and entered upon their respective duties.

On motion of Mr. Carpenter,

*Resolved*, That the Clerk of this House inform the Senate that the House of Representatives have met in accordance with the Constitution of the State of Illinois, and are organized and ready to proceed with the Legislative business.

On motion of Mr. Murphy of Cook,

*Resolved by the House of Representatives, the Senate concurring herein*, That a committee of three members from the House, and two from the Senate be appointed to wait on the Governor, and inform him that the two Houses are organized and prepared to proceed to the transaction of business.

Mr. Turney offered for adoption the following resolution:

*Resolved*, That the unfinished business of the twelfth General Assembly be taken from the files of the said session, and be placed on the files of the present session, and that the said unfinished business have the same order in the present session, and be proceeded with in the same manner as it would do if the same had originated during the present session; which was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Baldwin, Barnett, Bentley, Bissell, Blackman, Bussy, Carpenter, Courtright, Crain, Dodge, Dollins, English, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClermand, McClurken, McDonald, McGinnis, Marshall, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Parsons, Peck, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, Wilson, Wood, and Mr. Speaker—42.

Those voting in the negative, are,

Messrs. Archer, Bailey, Beall, Bradford, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Drummond, Dunlap, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Green, Gridley, Henderson, Hull, Lincoln, McLean, Menard, Minshall, Moore, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, and Woodson—40.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that they have adopted the following resolution, viz:

*Resolved*, That the Secretary inform the House of Representatives that the Senate have met and are organized, and that they are now ready to proceed to legislative business.

On motion of Mr. Parsons,

*Resolved*, That the Door-keeper be directed to furnish seats for spectators in the gallery and in the lobby.

The House adjourned until 2 o'clock.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

On motion of Mr. Murphy of Perry,

*Resolved*, That the rules of the special session be adopted for the government of the present session, until otherwise altered or amended.

Mr. Lincoln, on leave, introduced a bill for "An act to provide for the payment of interest on the State debt:" which was read a first time, and *Ordered* to a second reading.

On motion of Mr. English,

The rules of the House were dispensed with, and on his further motion, the bill was read a second time by its title, and referred to the committee on Finance.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have concurred with them in the adoption of a resolution, having for its object the appointment of a joint select committee of three on the part of the House, and two on the part of the Senate, to wait on the Governor, and inform him that the two Houses are organized and ready to proceed to business; and that they have appointed Messrs. Moore and Witt the committee on the part of the Senate.

Senate bill for "An act to provide for the manufacture of salt at the Gallatin Salines," was read a third time and passed, by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Able, Baldwin, Barnett, Beall, Bennett, Bentley, Bissell, Blackman, Bussy, Carpenter, Courtright, Dodge, Dollins, Dougherty, Dunlap, English, Gillespie, Green, Hankins, Hicks, Humphrey, Kelly, Laughlin, Leary, McClernand, McClurken, McDonald, McGinnis, Marshall, Menard, Moore, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Phillips, Reynolds, Scott, Shepley, Trumbull, Waters, Wheeler, Wilson, Wood, and Mr. Speaker—49.

Those voting in the negative, are,

Messrs. Archer, Bailey, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Crain, Cunningham, Darnielle, Denny, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gridley, Hardin, Henderson, Hull, Kitchell, Lester, Lincoln, McLean, Minshall, Munsell, Parkinson, Phelps, Ross, Thornton, Threlkeld, Troy, West, and Woodson—35.

*Ordered,* That the title of the bill be as follows: a bill for "An act to provide for the manufacture of salt at the Gallatin Salines;" and that the Clerk inform the Senate of the passage of the bill, and ask their concurrence in the passage of said amendment.

A bill for "An act to exempt certain articles from execution," was taken up for consideration, read a second time, and referred to the committee on the Judiciary.

The message from the Senate having for its object the election of three persons to condense the laws of the State of Illinois, was taken up for consideration, and referred to the committee on the Judiciary.

On motion of Mr. Peck,

The House resolved itself into a committee of the Whole on the contested election from Peoria county, and after some time spent therein, the committee rose, reported progress through their chairman, Mr. English, and obtained leave to sit again.

On motion of Mr. Kitchell,

The committee of the Whole were discharged from the further consideration of certain resolutions.

Mr. Henderson moved that the first resolution be laid on the table, when,  
On motion of Mr. McClernand,  
All the resolutions were laid on the table.

Mr. Peck moved to take up for consideration, the bill for "An act to provide for the payment of the interest on the public debt;" which was not agreed to.

Mr. Trumbull offered for adoption, the following resolution:

"Resolved, That the State ought not to pay interest upon any debt which has been contracted by our agents in violation of law, and when the consideration has not been received;" which,

On motion of Mr. Minshall,

Was referred to the committee on the Judiciary.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

Mr. Speaker: I am directed by the Senate to inform the House of Representatives, that they have concurred with them in their amendment to a bill for "An act to provide for the manufacture of salt at the Gallatin Salines."

Mr. Bentley, on leave, introduced a bill for 'An act to repeal an act entitled 'An act to establish and maintain a general system of internal improvements,' approved March 4th, 1837;" which was read the first time, and

Ordered to a second reading.

Mr. Peck, on leave, introduced a bill for "An act to provide for the payment of interest on the public debt;" which was read the first time, and

Ordered to a second reading, and

On motion of Mr. Lincoln,

The rules of the House were dispensed with, and the bill now read a second time by its title.

Mr. Hardin moved to amend the bill by adding the following:

"SEC. 2. There shall be a tax of one-fifth of one per cent. collected according to the present revenue law of this State, for collecting a State tax, the proceeds of which shall be exclusively set apart for the payment of the interest accruing on the bonds hereby authorized to be hypothecated, and on other State bonds heretofore sold."

Mr. Minshall moved to refer the bill and proposed amendment to the committee on Banks and other Corporations.

Mr. Dodge moved to lay the proposed amendment on the table.

Mr. Hardin moved to adjourn; which was agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bailey, Baldwin, Bennett, Bentley, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Bussy, Canady, Carpenter, Charles, Cox, Cunningham, Darnielle, Denny, Dollins, Edwards, Emmer-son, Francis, Froman, Funk, Hankins, Hardin, Henderson, Hull, Kelly, Kitchell, Lester, McClurken, McLean, Menard, Minshall, Munsell, Olds, Ormsbee, Phelps, Ross, Scott, Shepley, Thornton, Threlkeld, Trumbull, Waters, Webb, Wheeler, Wilson, Woodson, and Wood—49.

Those who voted in the negative, are,

Messrs. Able, Archer, Barnett, Beall, Bissell, Courtright, Crain, Dodge, Dougherty, Drummond, Dunlap, English, Gillespie, Green, Gridley, Hicks, Humphrey, Laughlin, Leary, Lincoln, Logan, McClernand, McDonald,

McGinnis, Marshall, Moore, Murphy of Perry, Odam, Oliver, Parkinson, Peck, Reynolds, Troy, Turney, West, and Mr. Speaker—37.  
The House adjourned.

## TUESDAY, DECEMBER 8, 1840.

House met pursuant to adjournment.

Martin White, Representative from the county of Logan and Christian, appeared and took his seat.

Mr. Denny presented the petition of citizens of Salisbury, Knox county; which was read, and on his motion, referred to a select committee of three.

*Ordered*, That Messrs. Denny, Thornton, and Bailey be said committee.

Mr. Drummond presented the petition of sundry citizens of Stephenson, Rock Island county; which, without reading, was on his motion, referred to a select committee.

*Ordered*, That Messrs. Drummond, Henderson, and Parsons be said committee.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives, that they have passed bills of the following titles, to wit:

"An act to vacate the town plat of Livingston;"

"An act to vacate the part of a plat of Vermilionville in La Salle county."

They have also adopted the following resolution, viz:

*Resolved by the Senate, the House of Representatives concurring herein*, That the joint rules of the two Houses at their last session, be adopted for the government of the two Houses, until altered or amended."

In the adoption of which, they ask the concurrence of the House of Representatives.

Mr. Kelly offered for adoption the following preamble and resolutions:

*Whereas*, it becomes our duty to sustain the good faith and credit of the State, to make provision for the interest on the State debt; and to do this, it is also our duty to obtain all the information in our power respecting this subject.

*And whereas*, it would be little less than criminal negligence with the evils of hasty Legislation still before our eyes, to rush on and pledge still deeper the faith of the State on a mere declaration, that a large amount of interest is due without having the exact amount of interest, and whether such amount includes interest as well upon those bonds for which the State has received payment, as those for which it has never yet received any consideration, and which are believed not to have been sold in accordance with the special powers vested in the agents of the State by the law authorizing their sale; Therefore,

*Resolved*, That the Fund Commissioner be requested to furnish this House as speedily as possible with the following information, to wit:

The amount of all State bonds heretofore sold by the agents of the State, and by whom and to whom sold.

Also, the amount of bonds now hypothecated, and with whom, and by what agents they were hypothecated, and how much is due, and to be paid to each, in order to redeem such bonds from hypothecation, and when such payment must be made to save such bonds from forfeiture.

Also, the amount received by the agents of the State from each purchaser of bonds, together with the names of the purchasers.

Also, the amount still due and unpaid by any purchaser, together with the name of such purchaser.

Also, the names of the present holders of bonds, with the amount held by each, being the persons to whom interest is payable, the total amount of interest to be paid in January next, without any deduction for bonds sold without consideration.

Also, the nett amount of interest to be paid in January, after deducting the amounts of bonds for which the State has not received consideration, or any consideration in part.

Mr. Dougherty moved to amend by striking out all after the words "to wit" in the third line of the resolution, and inserting the following :

"How many bonds have been sold, for which this State has not received pay, and also to whom sold, and whether he knows who are now the holders of bonds so sold, and if so, who they are.

Mr. Dodge moved to lay the resolution and proposed amendment on the table; which was not agreed to.

When the proposed amendment was agreed to, and the resolution as amended was adopted.

On motion of Mr. Lincoln,

The rules of the House were suspended, and the bill for "An act to provide for the payment of interest upon the public debt;" was taken up for consideration.

The question recurring on the motion pending, when the House adjourned yesterday, P. M., on laying the proposed amendment to the bill on the table,

It was decided in the affirmative.

The question recurring on Mr. Minshall's motion of yesterday, to refer the bill and proposed amendments to the committee on banks and other corporations, was decided in the negative by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Baldwin, Blackman, Carpenter, Charles, Cox, Cunningham, Darnielle, Denny, Dollins, Emmerson, Gridley, Henderson, Hull, Kitchell, Lester, McClurken, Menard, Minshall, Odam, Oliver, Ormsbee, Parkinson, Phelps, Troy, Wilson and Wood—27.

Those who voted in the negative, are,

Messrs. Able, Bailey, Barnett, Beall, Bennett, Bentley, Bissell, Bradford, Brown of Sangamon, Brown of Vermilion, Bussy, Canady, Court-right, Crain, Dodge, Dougherty, Drummond, Dunlap, Edwards, English, Froman, Gillespie, Green, Hankins, Hardin, Hicks, Humphrey, Kelly, Laughlin, Leary, Lincoln, Logan, McDonald, McGinnis, McLean, Marshall, Moore, Munsell, Murphy of Cook, Murphy of Perry, Olds, Peck, Phillips, Reynolds, Ross, Scott, Thornton, Threlkeld, Trumbull, Turney, Waters, West, Wheeler, White, Woodson, and Mr. Speaker—56.

Mr. Lincoln, proposed to amend the bill by inserting into the 9th line, at the end of the word "next" the words following, to wit :

"And also, sufficient to pay freights, duty and other necessary charges upon railroad iron, which has been received, and to be received under contracts heretofore made, and also sufficient to pay the necessary charges of the prosecution of certain suits prosecuting and to be prosecuted

on behalf of this State, in the State of New York. And if it shall become necessary to prevent a forfeiture of the bonds so hypothecated, said Fund Commissioner is hereby empowered to re-hypothecate said bonds for that purpose, and for no other whatever."

Also, to amend said bill further, by adding the following proviso at the end of the bill, viz:

"*And provided further*, That the Fund Commissioner shall not be authorized to pay interest upon any bonds sold for which a consideration has not been received by the State whenever such bonds shall be found in the hands, custody, power or possession of the original purchasers or contracting powers."

Mr. Kitchell proposed to amend the foregoing amendment, by adding as follows:

"*Provided*, That no money shall be contracted for under the provisions of this act, at a higher interest than seven per cent. per annum, or for the payment of interest on bonds transferred without the authority of the laws of this State, or on which the contracted consideration has not been by the State received; which was not agreed to.

Mr. Dougherty proposed to amend the first amendment as follows: by adding,

"Not to exceed the sum of one hundred and seventy-six thousand dollars;" which was not agreed to.

Mr. Trumbull proposed to amend the amendment as follows: by adding,

"*And provided further*, That no interest be paid upon any State bonds which have been parted with, without authority of law, and when the consideration therefore has never been received by the State.

The House adjourned until 2 o'clock, P. M.

#### TWO O'CLOCK, P. M.

House met pursuant to adjournment.

On motion of Mr. Edwards,

*Resolved by the House of Representatives, the Senate concurring herein*, That the Secretary of State be required to make out a tabular statement of the census of this State, showing the number of inhabitants, their ages, sexes, and color; also, the number of the militia, and the number of mills, machinery, manufactures, &c.

Mr. Murphy of Cook, from the joint select committee appointed to wait on the Governor, and inform him that the two Houses were organized and ready to proceed to the transaction of business; report,

That they have waited on his Excellency, and were informed by him that he has no communication at present, to make to the Legislature, but would respectfully refer them for his views on the affairs of the State, to his message to the last session of the General Assembly.

On motion of Mr. Dodge,

The House now resolved itself into a committee of the Whole, on the case of the contested Election from Peoria county,

Mr. English in the Chair, and after some time spent therein, the committee rose, reported progress, and obtained leave to sit again; when,

On motion,

The House adjourned.

WEDNESDAY, DECEMBER 9, 1840.

The House met pursuant to adjournment.

Mr. Murphy of Perry presented the petition of sundry citizens of Hamilton, Franklin, and Perry counties, praying for the location of a State road; which was, without reading, referred, on his motion, to a select committee.

*Ordered*, That Messrs. Murphy of Perry, Carpenter, and Odam be that committee.

Mr. Logan presented the petition of the heirs of Daniel Barrow, deceased; which was read, and on his motion, referred to a select committee.

*Ordered*, That Messrs. Logan, Turney, and McClurken be said committee.

The bill for "An act to provide for the payment of interest on the State debt," coming up for consideration, the Speaker laid before the House a communication from the Fund Commissioner, relating to the subject of the bill under consideration; which was read, and is as follows:

OFFICE OF THE FUND COMMISSIONER,  
December 8th, 1840.

To the Honorable the **SPEAKER**  
of the House of Representatives:

In reply to a resolution of your House, passed this morning, asking "how many bonds have been sold for which this State has received no pay, and also to whom sold, and whether he knows who are now the holders of bonds thus sold, and if so, who they are?"

I have the honor to state that the following bonds have been sold and paid for, to wit:

|  |   |   |             |
|--|---|---|-------------|
| To State Bank, appropriated to Bank stock,                   | - | - | \$1,765,000 |
| " Bank of Illinois, do do                                    | - | - | 900,000     |
| " Irvine & Beers, appropriated to internal improvement stock |   |   | 1,000,000   |
| " N. Biddle, do do do  |   |   | 1,000,000   |
| " Hall & Hudson, do do do                                    |   |   | 100,000     |
| " Boorman & Johnson, do do do                                |   |   | 100,000     |
| " Lieut. Levy, do do do                                      |   |   | 4,000       |
| " January & Dunlap, do do do                                 |   |   | 300,000     |
| " M. B. Sherwood, do do do                                   |   |   | 50,000      |
|  |   |   | <hr/>       |
|  |   |   | \$5,219,000 |

Interest on the same, due 1st January, 1841, \$156,570.

The following bonds have been in part paid for only:

|   |   |          |
|---|---|----------|
| Bonds sold to A. H. Bangs, internal improvement stock | - | \$50,000 |
| " " J. Delafield, do do do                            | - | 283,000  |
| " " Erie county Bank, do do do                        | - | 100,000  |
| " " Commercial Bank, do do do                         | - | 100,000  |
| " " Bank of Commerce, do do do                        | - | 100,000  |

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\$633,000

Interest due 1st January, 1841, on same, - - \$18,990

Total amount of bonds, as per reports of 1st and 3d inst. \$5,852,000

Total amount of interest on all bonds sold, - - 175,560

The Canal fund, by an act of the Legislature, passed 21st January, 1839, borrowed of the internal improvement fund, \$300,000; and 300 canal bonds were placed by the Governor in the hands of Gov. Reynolds, and Gen. Rawlings, to be sold to pay this loan. These bonds were sold to Mr. Delafield, also, upon which he has paid \$150,000. Whether the internal improvement fund is to look to the canal fund, or, to Mr. Delafield, for the balance of this loan, I am not prepared to say; but if we could get it from either, it would go far towards paying our January interest. From Mr. Delafield, last summer, I received about \$21,000 in protested drafts of the City Bank of Buffalo, in the Tonawanda Bank. Mr. Delafield had sold 20 of these bonds to said Bank; and by the advice of our counsel, I received them as a part of the proceeds, believing that the Safety Fund of New York will ultimately be made liable for said drafts. The City Bank of Buffalo was a Safety Fund Bank, and soon after these drafts were given, failed.

A. H. Bangs has paid nothing on his purchase, and I fear, never will.

The three Buffalo Banks paid, in cash, at the time of the purchase of the 300 bonds, \$10,000 each. The Erie county Bank paid last winter, \$22,500 more, and I understand intends paying the balance of the debt in State scrip. The balance of her debt is, without interest, \$67,500. S. Daniels, Cashier of the Commercial Bank of Buffalo, paid me, a few weeks ago, about 57,000 in State scrip, leaving a balance due from him of about \$33,000. The Bank of Commerce has paid nothing but the first \$10,000 so that her balance is \$90,000.

In my reports of the 1st and 3d inst., stating the amount of interest due 1st January, 1841, to be \$175,560, included the interest on all these bonds.

Mr. Delafield told me that about 170 of the bonds which he bought had been deposited with the Comptroller of New York, as capital of the New York Banking Company; the balance he had sold with the exception of about 100, which he still had, and 200 which he had hypothecated in London, on which he had borrowed \$150,000, he now says all are sold, but to whom, I do not know.

The bonds which Bangs bought have been re-sold, and in whose hands they now are, I am not informed.

The 300 bonds sold to the Buffalo Banks, I believe, were all placed with the Comptroller, as capital stock of the respective Banks.

All these sales were made upon a credit, and are therefore illegal, according to the decision of the Chancellor of the State of New York; and all of the contracts can be seen in the printed reports of the last session of the Legislature.

The Commercial Bank of Buffalo has already paid more than is due on her contracts, as yet.

One instalment of \$22,500, is now due and unpaid, from the Erie county Bank. Three instalments, amounting to \$45,000, are now due and unpaid from the Bank of Commerce.

I have the honor to be,

Your ob't. serv't.,

RICH'D. F. BARRETT.

*Fund Commissioner.*

P. S.—My report of August, as far as relates to matters with which the Fund Commissioner is properly charged, and which is herewith submitted,



will give you a more specific account of the above debts, and bonds which were sold and not paid for, according to contract.

R. F. B., *Fund Com'r.*

And the question recurring on the amendment proposed by Mr. Trumbull,

Mr. West demanded the previous question,

Mr. Trumbull demanded a call of the House, and the absentees appearing,

On motion of Mr. Bentley,

Further proceedings under the call of the House were dispensed with;

And on the question—"Shall the main question now be put?"

It was decided in the negative; when,

On motion,

The House adjourned to 2 o'clock.

#### TWO O'CLOCK, P. M.

House met pursuant to adjournment.

On motion of Mr. English,

The committee of the Whole were discharged from the further consideration of the subject of the contested election from Peoria county.

On motion of Mr. Bentley,

"*Resolved*, That 150 copies, embracing all the testimony in the case of the contested election from Peoria county, be printed for the use of this House, and that the Public Printer be instructed to furnish the same without delay."

Mr. Murphy of Cook, moved the adoption of the following:

"*Resolved*, That all reports made to this House during the present General Assembly, be printed in a separate volume, and not entered on the Journals."

Mr. Ormsbee moved to amend by striking out all after "*Resolved*," and inserting the following:

"That the Journals and Reports of both Houses (the Senate concurring herein) be printed and bound in separate and distinct volumes, and that copies of each be placed by the Public Printer in the office of the Secretary of State, for distribution.

"*Resolved, also*, That when an objection is made by any two members to the printing of any report or other communication presented to the House of which they are members, then the same shall be excluded, both from the Journal and volume of Reports, and the fact noted in the Journal, unless otherwise ordered by the House to which said report or other communication is made: *Provided*, That such report or other communication is not required by the Constitution and laws of the State to be printed.

"*Resolved, further*, That when any report or other communication is ordered to be printed, a sufficient number of extra copies shall be printed for the use of both Houses; and the House ordering the same shall advise the other thereof: *Provided*, That either House may order the printing of additional copies for its separate use;" which was not agreed to;

When the resolution offered by Mr. Murphy of Cook, was adopted.

Mr. Bradford moved for adoption the following resolution:

*Resolved*, That the Governor, and Justices of the Supreme Court, and Secretary of State, be invited to take seats within the bar of this House, whenever it may suit their convenience during the present session.

On motion of Mr. Dougherty,

The resolution was amended by striking out "Secretary of State;"

Mr. Bentley moved to amend the resolution by inserting "the ladies;" not agreed to.

Mr. Dodge moved to amend by inserting, "Judges of the Circuit Courts;" which was not agreed to; and the resolution as amended was adopted.

Bill for "An act to repeal an act, entitled, 'An act to establish and maintain a general system of internal improvements, approved March 4th, 1837;'" was read the second time, and referred to the committee on Internal Improvements.

Senate bill for "An act to vacate the town plat of the town of Livingston," was read the first time, and,

On motion of Mr. Gridley,

The rules of the House were dispensed with, and the bill now read a second time, by its title, and,

On motion of Mr. Lincoln,

Was referred to a select committee.

*Ordered*, That Messrs. Lincoln, Gridley, and Menard be said committee.

Senate bill for "An act to vacate a part of the plat of Vermilionville, in La Salle county," was read the first time, and

*Ordered* to a second reading, and,

On motion of Mr. Dodge,

The rules of the House were dispensed with, and the bill now read a second time, by its title, and

*Ordered* to a third reading.

The Speaker laid before the House a communication from the Secretary of State, accompanied with the census returns; which was read, and laid on the table.

The message from the Senate for the adoption of the joint rules of the two Houses at the last session, was taken up for consideration, and concurred in.

The Speaker laid before the House a communication from the Secretary of the Board of Public Works; which was read, and laid on the table.

The Speaker laid before the House the report of the Inspectors of the Penitentiary; which was read, and,

On motion of Mr. Edwards,

Referred to the committee on the Penitentiary.

Mr. Bennett, on leave, introduced a bill for "An act to vacate a part of the town plat of Bennett's addition to the town of Petersburg, and for other purposes;" which was read the first time, and

*Ordered* to a second reading.

Mr. Bailey, on leave, introduced a bill for "An act to incorporate the town of Macomb," which was read the first time, and

*Ordered* to a second reading.

Mr. Dollins, on leave, introduced a bill, for "An act declaring the town

of Benton, the permanent seat of justice for the county of Franklin;" which was read the first time, and

*Ordered* to a second reading.

On his motion, the rule of the House was dispensed with, and the bill read a second time, by its title, and

*Ordered* to be engrossed.

Mr. Henderson, on leave, introduced a bill for "An act to amend the several acts in relation to the public revenue;" which was read the first time, and

*Ordered* to a second reading;

And on his motion, the rule of the House was dispensed with, and the bill read a second time, by its title, and on his further motion, referred to the committee on Finance.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have passed bills of the following titles:

"An act to amend an act entitled 'An act to incorporate the city of Quincy,' approved February 3, 1840."

"An act making school commissioners elective by the people."

"An act to vacate the town plat of the town of Lancaster, in Henry county."

"An act to incorporate the city of Nauvoo." Dec 9 - 1840

"An act for the relief of the inhabitants of town thirty-three north, range number three, east of the third principal meridian."

In the passage of which bills they ask the concurrence of the House of Representatives.

Mr. Charles, on leave, introduced a bill for "An act requiring pedlars and auctioneers to procure license;" which was read a first time, and

*Ordered* to a second reading.

On his motion, the rule of the House was dispensed with, and the bill read a second time, by its title, and on his further motion, referred to the committee on Finance.

Mr. Archer, on leave, offered the following resolution, which was adopted, viz:

*Resolved*, That the committee on Finance be instructed to enquire if any county or counties have failed to collect and pay over into the State treasury, the taxes due for any year under the present revenue law, and if so, that they report a bill requiring the payment of such revenue without delay.

Mr. Ormsbee, on leave, offered the following resolution:

*Resolved*, That the State House Commissioners, without delay, report to this House, the receipts and expenditures upon the State House at Springfield, in obedience to the following accounts:

First. That said Commissioners furnish, without delay, a statement of the whole amount of money by them expended on the State House at Springfield, from the commencement of the work up to the present time;

Second. That they show, in said report, the amount of money by them paid for each kind of work done, and materials furnished for said House, and the names of persons to whom said money was paid, in the following order:

1st. How much for rock?

2d. How much for quarrying rock?

3d. How much for cutting and dressing rock?

4th. How much for laying rock?

5th. How much for brick?

6th. How much for laying brick?

7th. How much for any and all other materials, embracing (separately specified) lumber, lime, iron, copper, &c. &c. &c.

Third. That they report the number and cost of teams, wagons, carts, cranes, carriages, and the amount and description of all other property by them purchased, for the erection, completion, and furnishing said building, and of whom said property of every kind and description was purchased, and how much money, and out of what money the same has been paid.

Fourth. That they report the number of perchs, or cubic yards of rock which has been quarried and purchased for said building since the commencement of erecting the same, up to the present time, and specify particularly the quantity of rock either in perches or cubic yards, included and placed in said building: also, the quantity now prepared for the same, in and about the said town of Springfield.

Fifth. That they report the names of each and every laborer which has been employed for the erection of said building, and the amount of labor by the day, or month, or otherwise, as the case may be, which each and every one have performed, as well as the amount of money which they have paid to each and every one of said laborers, from the commencement of the work up to the present time.

Sixth. That they report the number, and each of the number of the jobs of work let by them in the building, &c., of said house, and to whom the said jobs were let, and how much money each and every one of said jobs have cost, and how much of the same has been paid, and whether or not any additional allowances have been paid upon any of said jobs to the contractors, or either of them, and to what amount, if any.

Seventh. That they report the amount of scrip and state house checks, if any issued by them, and inform under what law, and by what authority said checks or scrip has been by them issued, also, how much if any of said scrip and checks, or both in amount is still outstanding and unpaid, and what other debts if any, have been contracted by them still unpaid on account of said building, and to what amount as well as the particular articles purchased, and services rendered for which said indebtedness has occurred.

Eighth. That they report whether or not, each and every one of said commissioners have acted or participated in all the orders, acts, and resolutions of the board which they constitute, if not, what one of them has refused to concur in them, and upon this call or enquiry, that each commissioner have liberty to report.

Ninth. That they report how much time each of them has been employed in the service of the State in the erection of said buildings, and the amount of compensation which has been paid or taken by each for said service, and that they exhibit their respective accounts against the State, showing the amount of services which they have rendered, and when the money for said services was paid, or by them received.

Tenth. That they report whether or not, the hands and teams employed in the service of the State, or any one of said hands or teams hav-

ing at any time during said service been employed for any other purpose than that of the State in the erection of said house, and if so, for what purpose, and when performed, and how much was received for the same to the State.

Eleventh. That they report the quantity of all materials on hand for said building, and all other things not yet used in the erection, completion, and furnishing of said house, which have been purchased for the same.

Twelfth. That they report the amount of money paid for house rent, office rent, clerk hire, stationary, drawings, plans and furniture, and the names of persons to whom such rents, hire, &c., was paid, and the dates of the payments. That they state all other things necessary to a full trial, balance and settlement of all accounts arising out of, and connected with the erection, completion, and furnishing of said house from the commencement of the work to the present time.

Mr. Woodson moved to lay the foregoing resolutions on the table, which was not agreed to, when,

On motion of Mr. Hardin,

The resolutions were referred to the committee on Public Buildings and Grounds.

On motion of Mr. English.

A bill for "An act to provide for the payment of interest on the public debt;" was taken up for consideration.

Mr. Kitchell demanded a call of the House, and on his further motion, further proceedings under call of the House, were dispensed with.

The House adjourned.

### THURSDAY, DECEMBER 10, 1840.

House met pursuant to adjournment.

A. W. Cavarly, a Representative from the counties of Greene and Jersey, appeared and took his seat.

Mr. Murphy of Cook, presented the petition of sundry citizens of Cook and Lake counties, praying the location of a State road; which, on his motion, without reading, was referred to the committee on State roads.

Mr. Murphy of Cook, also presented the petition of James McKee of Will county, "praying indemnity for damages by him sustained on the Illinois and Michigan Canal;" which was read, and on his motion, referred to the committee on Canals and Canal Lands.

Mr. Ross presented the petition of sundry citizens of Peoria and Fulton counties; which, without reading, was on his motion, referred to a select committee of three.

That Messrs. Ross, Phelps and Lester be said committee.

presented the petition of the "first Unitarian Society of Chicago;" his motion, without reading, was referred to a select com-

Peck, Edwards and Scott be said committee.

petition of sundry citizens of Edgar county,

Mr. Kelly presented also, remonstrance and petitions of sundry citizens of said county, on the same subject; all of which, without reading, were referred to a select committee.

*Ordered*, That Messrs. Munsell, Kelly, and Bussy be said committee.

Mr. Troy presented the petition of "sundry citizens of the State of Illinois, praying the road laws of this State to be so altered as to equalize taxation for road purposes;" which, on his motion, without reading, was referred to the committee on the Judiciary.

Mr. Trumbull from the committee on the Judiciary, reported a bill for "An act to amend an act, entitled 'An act to regulate tavern and grocery licenses,'" which was read the first time, and

*Ordered* to a second reading.

Mr. Peck from the committee on Finance, reported a bill for "An act making partial appropriations;" which was read the first time, and

*Ordered* to a second reading, and

On motion of Mr. Murphy of Cook,

The rules of the House were dispensed with and the bill now read a second time by its title.

Mr. Murphy moved further to suspend the rules of the House, and read the bill now a third time; which was not agreed to, when the bill was

*Ordered* to be engrossed for a third reading.

On motion of Mr. English,

The papers accompanying the communication from the Secretary of State, in relation to the census; were ordered to be returned to the office of Secretary of State.

The bill for "An act to provide for the payment of interest upon the public debt;" coming up for consideration,

Mr. White demanded the previous question.

And on the question—"Shall the main question be now put?"

It was decided in the affirmative.

And the question recurring on the amendment proposed by Mr. Trumbull,

It was adopted by yeas and nays as follows, to wit:

Those who voted in the affirmative, are,

Messrs. Baldwin, Barnett, Bentley, Bissell, Blackman, Bussy, Carpenter, Cavarly, Courtright, Crain, Cunningham, Dollins, Dunlap, English, Froman, Green, Hankins, Hicks, Kelly, Kitchell, Laughlin, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Minshall, Munsell, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Phelps, Ross, Scott, Threlkeld, Trumbull, Turney, Waters, Wheeler, White, and Wilson—46.

Those who voted in the negative, are,

Messrs. Able, Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Charles, Cox, Darnielle, Denny, Dodge, Dougherty, Drummond, Edwards, Emmerson, Gillespie, Gridley, Hardin, Henderson, Hull, Humphrey, Leary, Lincoln, McLean, Menard, Murphy of Cook, Parkinson, Peck, Phillips, Reynolds, Thornton, Troy, Webb, West, Woodson, Wood, and Mr. Speaker—39.

And the question recurring on the amendment proposed by Mr. Lincoln as amended,

It was decided in the affirmative, by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Able, Baldwin, Barnett, Bentley, Bissell, Blackman, Bussy, Carpenter, Cavarly, Courtright, Crain, Dollins, Dunlap, English, Froman, Green, Hankins, Hicks, Kelly, Kitchell, Laughlin, Lester, Logan, McClurken, McDonald, McGinnis, Marshall, Minshall, Munsell, Murphy of Perry, Odam, Olds, Oliver, Parsons, Ross, Scott, Threlkeld, Trumbull, Turney, Waters, White, Wilson, and Wood—43.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Charles, Cox, Cunningham, Darnielle, Denny, Dodge, Dougherty, Drummond, Edwards, Emmerson, Gillespie, Gridley, Hardin, Henderson, Hull, Humphrey, Leary, Lincoln, McClernand, McLean, Menard, Murphy of Cook, Ormsbee, Parkinson, Peck, Phelps, Phillips, Reynolds, Thornton, Troy, Webb, West, Wheeler, Woodson, and Mr. Speaker—42.

When the House refused to order the bill to be engrossed, by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Able, Baldwin, Barnett, Bissell, Blackman, Cavarly, Crain, Dougherty, Dunlap, English, Froman, Green, Hankins, Humphrey, Kelly, Laughlin, Leary, McDonald, Marshall, Moore, Murphy of Perry, Odam, Oliver, Phelps, Ross, Scott, Trumbull, Turney, White, and Wood—30.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bentley, Bradford, Brown of Sangamon, Brown of Vermilion, Bussy, Canady, Carpenter, Charles, Courtright, Cox, Cunningham, Darnielle, Denny, Dodge, Dollins, Drummond, Edwards, Emmerson, Francis, Funk, Gridley, Hardin, Hicks, Hull, Kitchell, Lester, Lincoln, Logan, McClernand, McClurken, McLean, Menard, Minshall, Munsell, Murphy of Cook, Olds, Ormsbee, Parkinson, Parsons, Peck, Phillips, Prentice, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, Wheeler, Wilson, Woodson, and Mr. Speaker—57.

Mr. Hicks, on leave, introduced a bill for "An act to provide for the payment of interest upon the public debt;" which was read the first time, and

*Ordered* to a second reading.

And on his further motion, the rules of the House were dispensed with, and the bill now read a second time by its title; and

On motion of Mr. Lincoln,

The same was referred to the committee on Finance.

Mr. Dodge moved to print 100 copies of the last named bill; when

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives, that they have adopted the following resolution, viz:

*Resolved by the Senate, the House of Representatives concurring herein,* That the two Houses of the General Assembly will meet in the Hall of the House of Representatives on Wednesday the 16th inst., at 2 o'clock, P. M., for the purpose of electing one United States Senator, to serve for six years from the 4th of March next.

In the passage of which they ask the concurrence of the House of Representatives.

The Speaker made a statement in relation to a mistake in the morning's journal, in the vote on Lincoln's proposed amendment, as amended, to the bill for "An act to provide for the payment of interest upon the public debt;" and it appearing that said amendment was agreed to by the House,

The vote was taken on ordering the bill to be engrossed, and resulted as is recorded correctly in the morning journal.

The question recurring on the motion of Mr. Dodge, which was pending when the House adjourned, on printing 100 copies of Hick's bill.

It was decided in the negative.

Senate bill for "An act to vacate a part of the plat of Vermilionville in La Salle county;" was read a third time and passed.

*Ordered,* That the title be as aforesaid, and that the Clerk inform the Senate thereof.

A bill for "An act to vacate a part of the town plat of Bennett's addition to the town of Petersburg, and for other purposes;" was taken up and read a second time, and ordered to be engrossed.

A bill for "An act to amend an act, entitled 'An act to regulate tavern and grocery licenses;'" was taken up for consideration, and read a second time.

Mr. Cavarly moved to refer the bill to a select committee, which was not agreed to; and the bill was ordered to be engrossed.

A message from the Senate by Mr. Berry, their Assistant Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives, that they have passed bills of the following titles, viz:

A bill for "An act to re-imburse the internal improvement fund for advancements made to the canal fund;"

A bill for "An act to legalize the assessment of property in the county of Peoria, for the year 1840."

In the passage of which bills, they ask the concurrence of the House of Representatives.

A bill for "An act to incorporate the town of Macomb;" was taken up for consideration.

On motion of Mr. Bailey,

The rules of the House were dispensed with, and the bill read a second time by its title.

Mr. Bentley moved to refer the bill to a select committee; which was not agreed to.

Mr. Leary moved to refer said bill to the committee on Banks and other Corporations; which was not agreed to.

Mr. Bentley moved the following as an additional section:

"The Legislature hereby reserve the right to alter, amend, or repeal this act when the public good may require the same."



On motion of Mr. Webb,

Said bill with amendment were referred to the committee on the Judiciary.

Senate bill for "An act to make school commissioners elective by the people;" was taken up for consideration, read the first time, and

*Ordered* to a second reading.

Senate bill for "An act to vacate the town plat of the town of Lancaster in Henry county;" was taken up for consideration, was read a first time, and

*Ordered* to a second reading.

Senate bill for "An act for the relief of the inhabitants of town thirty-three, north, range three east of the third principal meridian;" was taken up for consideration; was read a first time, and,

On motion of Mr. Dodge,

The rule of the House was dispensed with, and the bill read a second time by its title, and

*Ordered* to a third reading.

Senate bill for "An act to amend an act, entitled 'An act to incorporate the city of Quincy, approved February 3, 1840;' which was read the first time, and

*Ordered* to a second reading.

Senate bill for "An act to incorporate the city of Nauvoo;" was taken up for consideration, and

On motion of Mr. Turney,

The rules of the House being dispensed with, and read a first and second time by its title, and referred to the committee on the Judiciary.

The message from the Senate, having for its object the election of a United States Senator, was taken up for consideration.

Mr. Dougherty moved to lay the same on the table; which was not agreed to, when the resolution was concurred in.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives, that they have concurred with them in the passage of a bill for "An act, to amend an act entitled 'An act, to provide for the settlement of debts and liabilities on account of the internal improvements in the State of Illinois;' approved February 1, 1840."

I am further directed to inform the House of Representatives, that they have adopted the following resolution, viz:

*Resolved by the Senate,* That the Secretary of the Senate inform the House of Representatives, that they will remain in session, if necessary, until 12 o'clock this evening, in hopes of receiving the action of the House of Representatives, on the subject of paying the January interest on the public debt.

They have also adopted the following resolution, viz:

*Resolved by the Senate, the House of Representatives concurring herein,* That the Board of Public Works be requested, and they are hereby instructed not to audit or settle any more claims against the State, either from contractors or other persons, until further directed by authority from the Legislature.

In the passage of which resolutions, they ask the concurrence of the House of Representatives.

Mr. Webb, on leave, offered for adoption the following resolution:

*Resolved*, That in answer to the resolution of the Senate on that subject, the Clerk inform the Senate that they need not incommode themselves longer than half past eleven o'clock this evening, in waiting for the action of this House on the subject of the January interest;" which was agreed to.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate, instructing the Board of Public Works not to audit or settle any more claims against the State; was taken up for consideration, and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

Senate bill for "An act to reimburse the internal improvement fund for advancements made to the canal fund;" was read the first time, and

*Ordered* to a second reading.

Senate bill for "An act to legalize the assessment of property in the county of Peoria, for the year 1840;" was read the first time, and

*Ordered* to a second reading.

The Speaker laid before the House a communication from the Auditor of Public Accounts; which,

On motion of Mr. Dougherty,

Was, without reading, laid on the table, and five hundred copies thereof, ordered to be printed.

Mr. Olds, on leave, offered for adoption the following resolution:

*Resolved*, That the committee on the Judiciary, be instructed to examine the official bonds of the late Fund Commissioners, and also, their contracts for the sale of State bonds, and report to this House whether, in their opinion, said commissioners have not forfeited the penalty of said bonds; and whether suits should not be instituted against said commissioners and their sureties for the amount of the same;" which was agreed to.

Mr. Crain from the committee on Engrossed Bills, reported as correctly engrossed a bill for "An act, declaring the town of Benton, the permanent seat of justice for the county of Franklin."

The Speaker laid before the House a communication from the State Treasurer; which, without reading,

On motion of Mr. Dougherty,

Was laid on the table, and five hundred copies thereof ordered to be printed for the use of the House.

Mr. Bradford, on leave, moved for adoption the following resolution.

*Resolved*, That the committee on Finance be instructed to enquire into the expediency of so amending the revenue laws of this State, as to authorize the county commissioners courts of the several counties of this State, to appoint but one assessor annually; and that the assessors be allowed until the 20th day of August to make their returns to the Clerk; and that they report by bill or otherwise;" which was agreed to.

On motion of Mr. Parsons,

The rules of the House being suspended,

*Resolved*, That the committee on the Judiciary be instructed to enquire as to the expediency of so amending the laws concerning minors, orphans, and guardians, as to require guardians to account annually to the probate justices of the county in which said guardian may reside.

On motion of Mr. Munsell,

The rules of the House being suspended,

*Resolved*, That the committee on Finance be instructed to enquire and report to this House as early as may be convenient, what provision can be made for the payment of contractors on the different railroads in this State, and especially for such portion of them as finished their contracts during the year 1839."

The Speaker laid before the House a communication from the Commissioners of the State House; which, without reading, was

On motion of Mr. Dodge,

Laid on the table, and one hundred and fifty copies thereof, ordered to be printed.

Mr. Cunningham, on leave, introduced a bill for "An act supplemental to an act entitled "An act, in relation to the Charleston Seminary and Jonesboro' College, approved February 3, 1840;" which was read the first time, and

*Ordered* to a second reading, and

On motion of Mr. Cunningham,

The rules of the House were dispensed with, and the bill now read a second time by its title, and ordered to be engrossed; when,

On motion,

The House adjourned.

#### FRIDAY, DECEMBER 11, 1840.

House met pursuant to adjournment.

Mr. Wilson asked and obtained leave of absence for Mr. Olds, a Representative from Macoupin county, until Monday next.

Mr. Moore presented the petition of the Judges of the Commissioners' Court of St. Clair county, which was, on his motion, referred, without reading, to a select committee.

*Ordered*, That Messrs. Moore, Phelps, and Crain be said committee.

Mr. Murphy of Cook, from the committee on Banks and other Corporations, reported a bill for "An act to repeal an act incorporating the town of Juliet;" which was read the first time, and

*Ordered* to a second reading.

Mr. Crain, from the committee on Engrossed Bills, reported as correctly engrossed, a bill for "An act making partial appropriations."

Mr. Peck from the committee on Finance, to which was referred a bill for "An act to provide for the payment of interest upon the public debt," reported a bill as a substitute for the original bill, which being read, Mr. Hardin moved to amend the report by adding as follows:

"SEC. There shall be an additional tax of one dollar on each one thousand dollars worth of property, levied and collected according to the revenue laws of this State for collecting a State tax, the proceeds of which shall be exclusively set apart and applied to the payment of the interest accruing first, on the bonds hereby authorized to be hypothecated, and secondly, to the payment of the interest which may hereafter accrue on bonds which may hereafter be authorized to be hypothecated; thirdly, the remainder of the proceeds arising from said tax shall be paid into the State treasury.

"SEC. — Hereafter there shall not be levied, for county purposes, more

than forty cents on the hundred dollars worth of property, according to the legal assessment made thereon."

Mr. Kitchell demanded a call of the House, and upon calling the roll, it appearing there was but one absentee,

On motion of Mr. Drummond,

Further proceedings under the call were dispensed with.

Mr. English moved to lay the report of the committee with the proposed amendment on the table; which was not agreed to.

On motion of Mr. Cavarly,

The amendment offered by Mr. Hardin, was laid on the table, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Bentley, Blackman, Bussy, Carpenter, Cavarly, Charles, Courtright, Crain, Cunningham, Dollins, Dougherty, Drummond, Dunlap, English, Froman, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Minshall, Moore, Munsell, Murphy of Perry, Odam, Oliver, Ormsbee, Parsons, Peck, Ross, Scott, Trumbull, Turney, Waters, Webb, Wheeler, White, Wilson, and Mr. Speaker—48.

Those who voted in the negative, are,

Messrs. Able, Archer, Bailey, Beall, Bennett, Bissell, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Cox, Darnielle, Denny, Edwards, Emmerson, Francis, Funk, Gillespie, Green, Gridley, Hardin, Henderson, Hull, Leary, Lincoln, McLean, Menard, Murphy of Cook, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, West, Woodson, and Wood—38.

Mr. Cavarly moved to amend the report of the committee, by adding as follows:

"The entire tax arising from real estate as now authorized by law shall hereafter be paid into the State treasury, and so much thereof as may be necessary, irrevocably pledged for the redemption of the bonds herein authorized to be hypothecated, and as a fund for the payment of interest to become due on said internal improvement debt; which was decided in the negative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Mr. Cavarly—1.

Those voting in the negative, are,

Messrs. Able, Archer, Bailey, Baldwin, Beall, Bennett, Bentley, Bissell, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Bussy, Canady, Carpenter, Charles, Courtright, Cox, Crain, Cunningham, Darnielle, Denny, Dollins, Dougherty, Drummond, Dunlap, Edwards, Emmerson, English, Francis, Froman, Funk, Gillespie, Green, Gridley, Hankins, Hardin, Henderson, Hicks, Hull, Kelly, Kitchell, Laughlin, Leary, Lester, Lincoln, Logan, McClernand, McClurken, McDonald, McGinnis, McLean, Marshall, Menard, Minshall, Moore, Munsell, Murphy of Cook, Murphy of Perry, Odam, Oliver, Ormsbee, Parkinson, Parsons, Peck, Phelps, Phillips, Reynolds, Ross, Scott, Thornton, Threlkeld, Troy, Trumbull, Turney, Waters, Webb, West, Wheeler, White, Wilson, Woodson, Wood, and Mr. Speaker—S3.

A message from the Senate by Mr. Berry their Assistant Secretary:

Mr. Speaker: I am directed by the Senate to inform the House of Rep-

olution having for its object the appointment of a joint select committee consisting of three on the part of the House, and two from the Senate, to draft a memorial praying Congress to make a further donation of land to the State of Illinois, to aid her in the prosecution of the Illinois and Michigan canal; and that they have appointed Messrs. Pearson and Ralston the committee on the part of the Senate.

They have also concurred with the House in the passage of a resolution requiring the Secretary of State to make out a tabular statement of the census of this State, showing the number of inhabitants, &c.

They have also passed a bill of the following title: a bill for "An act to provide for the payment of the interest on the internal improvement debt;" in the passage of which they ask the concurrence of the House of Representatives.

The House adjourned to 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The House met pursuant to adjournment.

Mr. Blackman, on leave, introduced a bill for "An act, entitled, an act authorizing the erection of a bridge across Saline river;" which was read a first time, and

*Ordered* to a second reading.

Mr. Kitchell, on leave, introduced the following resolution:

*Resolved*, That the Fund Commissioner be requested to furnish this House with any information in his possession as to the possibility of raising the money necessary to meet the interest due in January, and also, copies of any letter or letters which he may have received in relation thereto, since he left New York.

Senate bill for "An act for the relief of the inhabitants of town thirty-three, north, range three east of the 3d principal meridian," was taken up for consideration, read a third time, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate thereof.

Engrossed bill for "An act declaring the town of Benton the permanent seat of justice for the county of Franklin," was taken up for consideration, read a third time, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Engrossed bill for "An act making partial appropriations," was read the third time, when,

On motion of Mr. Bentley,

Was amended by adding the following words, viz: "and also one hundred dollars each to the Copyists of the Journals of each House;" when the bill passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Senate bill for "An act to amend an act, entitled, 'An act to incorporate the city of Quincy,' approved February 3d, 1840," was read a second time, and

On motion of Mr. Laughlin,

Referred to a select committee.

*Ordered*, That Messrs. Laughlin, Wheeler, and Charles, be said committee.

Senate bill for "An act to vacate the town plat of the town of Lancaster, in Henry county," was read a second time, and

*Ordered* to a third reading.

Senate bill for "An act making school commissioners elective by the people," was read a second time, and referred to the committee on Education.

Senate bill for "An act to re-imburse the internal improvement fund for advancements made to the canal fund," was read a second time, and,

On motion of Mr. Murphy of Cook,

Was referred to the committee on Internal Improvements.

Senate bill for "An act to legalize the assessment of property in the county of Peoria, for the year 1840," was read a second time, and

On motion of Mr. Moore,

Was referred to a select committee.

*Ordered*, That Messrs. Moore, Phelps, and Crain, be said committee.

Mr. Murphy of Cook, on leave, introduced a bill for "An act to repeal an act incorporating the town of Juliet;" which was read a first time, and

*Ordered* to a second reading;

When, on his motion, the rule of the House was dispensed with, and the bill read a second time, by its title, and

*Ordered* to be engrossed for a third reading.

Senate bill for "An act to provide for the payment of the interest on the internal improvement debt;" was taken up for consideration, read a first time, and,

On motion of Mr. Turney,

The rule of the House was dispensed with, and the bill read a second time, by its title.

Mr. Kitchell moved to amend the bill by adding the following proviso:

"And *provided, further*, That no interest be paid upon bonds that have been parted with in violation of law, and when no consideration therefor has been received by this State."

Mr. Murphy of Cook, moved to lay said proviso on the table; which was decided in the negative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Archer, Bailey, Beall, Bradford, Bennett, Brown of Sangamon, Brown of Vermilion, Cavarly, Charles, Cox, Darnielle, Denny, Dodge, Dougherty, Drummond, Edwards, Emmerson, Francis, Funk, Gillespie, Hardin, Hull, Humphrey, Leary, Lincoln, McGinnis, McLean, Menard, Murphy of Cook, Parkinson, Peck, Phelps, Reynolds, Thornton, Troy, Woodson, and Mr. Speaker—39.

Those who voted in the negative, are,

Messrs. Baldwin, Bentley, Bissell, Blackman, Bussy, Canady, Carpenter, Courtright, Crain, Cunningham, Dollins, Dunlap, English, Froman, Gridley, Hankins, Henderson, Hicks, Kitchell, Laughlin, Lester, Logan, McClermand, McClurken, Marshall, Minshall, Moore, Munsell, Murphy of Perry, Odam, Oliver, Ormsbee, Parsons, Ross, Scott, Threlkeld, Trumbull, Turney, Waters, West, Wheeler, White, Wilson, and Wood—13.

On the question of the adoption of the proviso as offered by Mr. Kitchell,

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Bentley, Bissell, Blackman, Bussy, Canady, Carpenter, Cavarly, Courtright, Crain, Cunningham, Dollins, Dunlap, English, Froman, Funk, Hankins, Hicks, Humphrey, Kitchell, Lester, Logan, McClernand, McClurken, Marshall, Moore, Munsell, Murphy of Perry, Odam, Oliver, Ormsbee, Parsons, Ross, Scott, Threlkeld, Trumbull, Turney, Waters, Wheeler, White, Wilson, and Wood—41.

Those who voted in the negative, are,

Messrs. Able, Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Charles, Cox, Darnielle, Denny, Dodge, Dougherty, Drummond, Edwards, Emmerson, Francis, Gillespie, Gridley, Hardin, Henderson, Hull, Laughlin, Leary, Lincoln, McGinnis, McLean, Menard, Minshall, Murphy of Cook, Parkinson, Peck, Phelps, Reynolds, Thornton, Troy, Woodson and Mr. Speaker—40.

When the House refused to order the bill to a third reading.

Mr. Charles, on leave, introduced a bill for "An act in relation to a road therein named;" which was read a first time, and

*Ordered* to a second reading.

Mr. Bissell offered for adoption the following resolution:

*Resolved by the House of Representatives, the Senate concurring herein,* That both Houses of the General Assembly do go into the election of an Attorney General of this State, on Monday next, the 14th instant, at 2 o'clock, P. M., in the Representative Hall; which was not agreed to.

Mr. Henderson moved for adoption, the following preamble and resolution:

*Whereas,* The county commissioners' courts are, by law, fully authorized and empowered to regulate and control all subjects in relation to all kinds of roads; and said courts being directly amenable to the people, who have to keep up said roads; and by placing the power in the hands of said courts, there is great saving of time and money;

*Resolved,* That this House will not, during the present session, entertain any proposition which has for its object, the creation, alteration, or abolishing any State road whatever.

On motion of Mr. Lincoln,

Said preamble and resolution were laid on the table.

On motion of Mr. Trumbull,

The bill for "An act to provide for the payment of the interest upon the public debt;" together with the report of the committee on Finance, were taken up for consideration, when the House refused to concur with the committee in their report; and

The House adjourned.

SATURDAY, DECEMBER 12, 1840.

House met pursuant to adjournment.

Mr. Dodge presented the petition of sundry citizens of La Salle county, which was read, and on his motion, referred to a select committee.

*Ordered*, That Messrs. Dodge, Leary, and West be that committee.

Mr. Kitchell presented the petition of John Van Orman; which was read, and on his motion, referred to the committee on Claims.

Mr. Kitchell presented the petition of sundry citizens of Hillsboro', Montgomery county; which, without reading, was on his motion, referred to the committee on State Roads.

A bill for "An act to provide for the payment of interest upon the State debt," coming up for consideration,

Mr. Henderson moved to amend the first section by striking out all that part of said section, which relates to the taxation of land exclusively, and inserting in lieu thereof "——— cents on each one hundred dollars worth of property."

Mr. Cavarly moved to amend the bill by striking out all after the enacting clause, and inserting as follows:

"That the Fund Commissioner is hereby authorized and empowered to hypothecate any amount of State bonds, which may be necessary to raise a sum of money sufficient to pay the interest which will fall due on the internal improvement debt, on the first Monday in January, 1841; said bonds shall bear an interest at the rate of six per cent., and be redeemable on or before the first day of January, 1842.

"SEC. 2. The Fund Commissioner is hereby required to pay over the moneys arising from the hypothecation of said bonds, in discharge of the interest for which the State is legally liable, and due on the internal improvement debt in January, 1841;" which amendment was rejected by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Able, Bailey, Beall, Bentley, Bradford, Brown of Sangamon, Bussy, Cavarly, Charles, Darnielle, Denny, Dodge, Dougherty, Drummond, Edwards, Francis, Gillespie, Green, Hull, Humphrey, Laughlin, Leary, Lincoln, McDonald, McGinnis, McLean, Menard, Marshall, Murphy of Cook, Odam, Oliver, Peck, Phelps, Reynolds, Ross, Scott, Turney, Waters, West, Wood, and Mr. Speaker—41.

Those who voted in the negative, are,

Messrs. Archer, Baldwin, Bennett, Bissell, Blackman, Brown of Vermilion, Canady, Carpenter, Courtright, Cox, Crain, Cunningham, Dollins, Dunlap, Emmerson, English, Froman, Funk, Gridley, Hankins, Hardin, Henderson, Hicks, Kelly, Kitchell, Lester, Logan, McClernand, McClurken, Marshall, Moore, Munsell, Murphy of Perry, Ormsbee, Parkinson, Parsons, Phillips, Prentice, Thornton, Threlkeld, Troy, Trumbull, Webb, Wheeler, White, Wilson, and Woodson—47.

Mr. Trumbull moved to lay the amendment proposed by Mr. Henderson on the table; which was not agreed to.

Mr. Odam moved the previous question; which was not sustained.

Mr. Trumbull moved the following as a substitute for the first section:

"That hereafter all the State's portion of the revenue to be derived under the revenue laws from all the lands that shall become subject to taxation in the year 1841, and thereafter, shall be held subject to the uses and purposes hereinafter mentioned;" which was agreed to.

Mr. McClernand moved to fill the blank in section 6th, with "seven."

Mr. Carpenter moved to fill said blank with "six."

And the vote being taken on filling said blank with "seven."

It was decided in the affirmative.



On motion of Mr. McClernand,

The words "Safety Fund" were stricken out, and the words "Internal Improvement" inserted in lieu thereof.

Mr. Kitchell moved to strike out the word "bonus" in second section, and insert "revenue;" which was not agreed to.

And the question recurring, on ordering the bill to be engrossed for a third reading,

It was decided in the negative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Bissell, Blackman, Bussy, Carpenter, Courtright, Crain, Dodge, Dollins, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Ormsbee, Parsons, Prentice, Ross, Trumbull, Wilson, Wood, and Mr. Speaker—36.

Those who voted in the negative, are,

Messrs. Able, Archer, Bailey, Beall, Bennett, Bentley, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Cavarly, Charles, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Edwards, Emmer-son, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Hull, Lester, Lincoln, McLean, Menard, Minshall, Munsell, Odam, Oliver, Parkinson, Peck, Phelps, Phillips, Reynolds, Scott, Thornton, Threlkeld, Troy, Turney, Waters, Webb, West, Wheeler and Woodson—51.

The Speaker laid before the House a communication from the Fund Commissioner, in relation to the subject of the above bill; which was read and laid on the table.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives, that they have passed bills of the following titles, to wit:

"An act to authorize the removal of the seat of justice of Adams county;"

"An act to incorporate the Benton Academy in Franklin county."

In the passage of which bills, they ask the concurrence of the House of Representatives.

Mr. Trumbull moved that the House adjourn; which was not agreed to. When,

On motion,

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

On motion of Mr. Woodson,

The rules of the House being dispensed with,

*Resolved*, That the use of the Hall of the House of Representatives be, and is hereby granted to the Convention in favor of Education, to be held in the city of Springfield, beginning on the evening of the 16th of December, 1840; and that the said convention be allowed to occupy said Hall, so long as the same shall continue its meetings, provided the said Hall shall not be wanted at night for the purposes of the Legislature."

Senate bill for "An act to vacate the town plat of the town of Lancaster, in Henry county;" was read the third time, and passed.

*Ordered*, That that the title be as aforesaid, and that the Clerk inform the Senate thereof.

A bill for "An act in relation to a road therein named;" was read the second time, and

*Ordered* to be engrossed.

A bill for "An act, authorizing the erection of a bridge across Saline river;" was read the second time, and

*Ordered* to be engrossed.

Senate bill for "An act to authorize the removal of the seat of justice of Adams county;" was read the second time, and

*Ordered* to a third reading.

Senate bill for "An act to incorporate the Benton Academy, in Franklin county;" was read the second time, and

On motion of Mr. Dollins,

Referred to a select committee.

*Ordered*, That Messrs. Dollins, Blackman and Hicks be that committee.

Mr. Kitchell, from the Judiciary committee to which was referred the bill for "An act to incorporate the town of Macomb;" reported the same back to the House without amendment.

Mr. Bentley moved to refer the same to a select committee; which was not agreed to.

Mr. Bentley moved to amend the bill by adding the following:

"Section 18. The Legislature hereby reserves the right to alter or amend or repeal this act, when the public good may require the same;" which was not agreed to; when the bill was

*Ordered* to be engrossed for a third reading.

Mr. Kitchell, from the committee on the Judiciary, to which was referred the Senate bill for "An act to incorporate the city of Nauvoo;" reported the same back to the House without amendment; and the bill was

*Ordered* to a third reading.

Mr. Oliver moved to dispense with the rules of the House, and read the bill now a third time by its title; which was agreed to, and the bill passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof.

Mr. Logan, from the select committee to which was referred the petition of John Barrow and others; reported a bill for "An act for the relief of the heirs of Daniel Barrow, deceased;" which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Logan,

The rules of the House were dispensed with, and the bill now read a second time by its title, and

On motion of Mr. Webb,

Referred to the committee on the Judiciary.

Mr. Brown of Vermilion, from the select committee to which was referred the petition of sundry citizens of Vermilion county, reported a bill for "An act to vacate a part of the plat of McRoberts and Walker's addition to the town of Danville," which was read the first time, and

*Ordered* to a second reading, and

On motion of Mr. Brown of Vermilion,

The rules of the House were dispensed with, and the bill now read the second time by its title, and

*Ordered* to be engrossed.

Mr. Leary, from the committee on Enrolled and Engrossed Bills, reported as correctly enrolled, bills of the following titles:

"An act to amend an act entitled 'An act, to provide for the settlement of debts and liabilities incurred on account of internal improvements in the State of Illinois;' approved February 1, 1840."

Also, as correctly engrossed, bills of the following titles:

"An act to vacate a part of the town plat of Bennett's addition to the town of Petersburg, and for other purposes;"

"An act to amend an act entitled 'An act, to regulate tavern and grocery licenses;"

"An act supplemental to an act entitled 'An act, in relation to the Charleston Seminary and Jonesboro' College;" approved February 3, 1840."

Mr. Denny, from the select committee to which was referred the petition of N. Sanburn, reported a bill for "An act to authorize Charles Sanburn, a minor, to execute a deed to the person therein named;" which was read the first and second time, and

*Ordered* to be engrossed for a third reading.

Mr. Emmerson, on leave, introduced a bill for "An act to amend an act, authorizing a distribution of the Laws and Journals of this State;" which was read the first time, and

*Ordered* to a second reading.

Mr. Ross, from the select committee to which was referred a certain petition, reported a bill for "An act to locate and establish a State road from Peoria, in Peoria county to Fairview, in Fulton county;" which was read the first time, and

*Ordered* to a second reading.

Mr. Edwards, from the select committee to which was referred, a resolution in relation to the policy of distributing the proceeds of the public lands, made a report, which, without reading,

On motion of Mr. Trumbull,

Was laid on the table.

Mr. Woodson, on leave, introduced a bill for "An act to dispense with the services of State House Commissioners, and to settle their accounts;" which was read the first time, and

*Ordered* to a second reading.

Mr. Hardin moved that the rule of the House be dispensed with, and the bill read the second time by its title; which was not agreed to.

Mr. Hardin proposed for adoption the following resolution, viz:

*Resolved by the House of Representatives, the Senate concurring herein,* That the two Houses of this Legislature will convene in the Hall of the House of Representatives, on Monday the 14th inst., at 3 o'clock, P. M. for the purpose of electing one Fund Commissioner, to hold his office for two years, from and after the first day of January next.

Mr. Peck moved to lay the resolution upon the table; which was not agreed to.

Mr. Kitchell moved that the House adjourn; which was decided in the negative; when,

On motion of Mr. McClernand,

The resolution was committed to the committee on Elections; by yeas and nays as follows. to wit:

Those who voted in the affirmative, are,

Messrs. Baldwin, Bentley, Bissell, Blackman, Bussy, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Oliver, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Trumbull, Turney, Wheeler, Wilson, Wood, and Mr. Speaker—45.

Those who voted in the negative, are,

Messrs. Able, Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Hull, Lincoln, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, and Woodson—42.

On motion of Mr. Leary,

*Resolved*, That the committee on the Judiciary be instructed to enquire into the expediency of making the statute laws of Illinois, as published by Stephen F. Gale, evidence in the courts of justice of this State, and that they be instructed to report, by bill or otherwise.

Mr. Lincoln, from the select committee to which was referred a bill from the Senate for "An act to vacate the town plat of the town of Livingston," reported the same with amendments; which were read, and concurred in.

The bill was then

*Ordered* to a third reading, as amended.

On motion of Mr. Ross,

*Resolved*, That the committee on the Judiciary be instructed to enquire into the expediency of consolidating the offices of county Collector and county Treasurer into one, and make the same elective by the people, and that they report by bill or otherwise.

Mr. Archer proposed for adoption the following resolutions, viz:

*Resolved*, That the committee on Canals and Canal Lands be discharged from the further consideration of an examination, &c. of the accounts, expenditures, and proceedings of the Board of Commissioners of the Illinois and Michigan Canal, being instructed to bring in a bill for that purpose.

*Resolved*, That a joint select committee be appointed, to consist of two on the part of the Senate, and three on the part of the House of Representatives, whose duty it shall be to investigate all the official acts and doings of the Board of Commissioners of the Illinois and Michigan Canal; that they have power to send for persons and examine witnesses on oath, require an exhibition of the records, books, vouchers, and papers appertaining to said office, and that they report thereon, to the present General Assembly, as early as practicable.

*Resolved*, That the Board of Commissioners of the Illinois and Michigan Canal, be, and they are hereby instructed, to bring all the records, books,

vouchers, profiles, and papers appertaining to their office, together with their Secretary, and Clerk, their Principal and resident Engineers, to the City of Springfield, as soon as possible, in order to facilitate the investigation of their official acts and doings; and after discussion had thereon,

The House adjourned till Monday morning at 10 o'clock.

### MONDAY, DECEMBER 14, 1840.

House met pursuant to adjournment.

Mr. Kitchell presented the petition of sundry citizens of Montgomery county, which, on his motion, without reading, was referred to the committee on State Roads.

Mr. Logan presented the petition of sundry citizens of Jackson county, praying that James Willis be divorced from his wife, Susan Willis; which without reading, was referred, on his motion, to a select committee.

*Ordered*, That Messrs. Logan, Barnett, and Dougherty be said committee.

Mr. Canady presented the petition of the Society of Friends in Vermilion county; which, on his motion, without reading, was referred to the Judiciary committee.

Mr. Hardin presented the petition of Wm. M. Berry; which, without reading, on his motion, was referred to the committee on State Roads.

Mr. Leary presented the petition of sundry citizens of Chicago, Cook county, in relation to the Chicago Branch of the State Bank; which, without reading, on his motion, was referred to a select committee.

*Ordered*, That Messrs. Leary, Courtright, and McClernand be said committee.

Mr. Leary, from the committee on Engrossed and Enrolled Bills, reported, that said committee had laid before the Council of Revision a bill for "An act to amend an act, entitled, 'An act to provide for the settlement of debts and liabilities incurred on account of internal improvements in the State of Illinois,' approved February 1, 1840."

Mr. Carpenter presented the petition of sundry citizens of Gallatin county, in relation to a State road; which, without reading, on his motion, was referred to a select committee.

*Ordered*, That Messrs. Carpenter, Wood, and Wilson be said committee.

Mr. Dodge presented the petition of James M. Strode; which was read, and on his motion, referred to a select committee.

*Ordered*, That Messrs. Dodge, Murphy of Perry, and Trumbull be said committee.

Mr. Crain, from the committee on Engrossed Bills, reported as correctly engrossed bills of the following titles:

"An act to repeal 'An act incorporating the town of Juliet;'"

"An act authorizing the erection of a bridge across Saline river;"

"An act to authorize Charles Sanburn, a minor, to execute a deed to the person therein named."

Mr. Moore, from the select committee to which was referred the Senate bill for "An act to legalize the assessment of property in the county of

Peoria, for the year 1840," reported the same back to the House, with amendments; which were read, and concurred in, and the bill as amended was

*Ordered* to a third reading.

Mr. Denny, from the select committee, to which was referred the petition of sundry citizens of Galesburg, Knox county, reported a bill for "An act to incorporate the town of Galesburg, in Knox county;" which, on his motion, the rule of the House was dispensed with, and the bill read the first time, by its title, and

*Ordered* to a second reading.

Mr. Parsons, from the select committee to which was referred the petition of sundry citizens of Pike county, reported a bill for "An act to vacate a part of the town plat of the town of Griggsville;" which was read the first and second time, and

*Ordered* to be engrossed.

Mr. Munsell, on leave, introduced a bill for "An act to vacate the town plat of the town of Jefferson;" which was read the first time, and

*Ordered* to a second reading.

Mr. Wheeler, from the select committee to which was referred the petition of sundry citizens of Pike county, reported a bill for "An act authorizing and empowering the judges of the said several circuit courts, in their respective circuits, to appoint and remove the clerks of the said several circuit courts of this State, at pleasure;" which was read the first time, and refused a second reading, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Bentley, Bissell, Bussy, Carpenter, Cavarly, Courtright, Dodge, Dollins, English, Hankins, Humphrey, Kitchell, Laughlin, Lester, McClernand, McGinnis, Marshall, Menard, Moore, Murphy of Cook, Murphy of Perry, Oliver, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, Wilson, Wood, and Mr. Speaker—36.

Those who voted in the negative, are,

Messrs. Able, Archer, Bailey, Barnett, Beall, Bennett, Blackman, Bradford, Brown of Vermilion, Canady, Charles, Cox, Crain, Cunningham, Darnielle, Denny, Dougherty, Drummond, Dunlap, Edwards, Emerson, Froman, Gillespie, Green, Gridley, Hardin, Henderson, Hicks, Hull, Kelly, Leary, Lincoln, Logan, McClurken, McLean, Minshall, Munsell, Odam, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, and Woodson—48.

On motion of Mr. Threlkeld,

*Resolved*, That the committee on Education be required to enquire into the expediency of reporting a bill having for its object the distribution of the common school fund amongst the several counties according to population, agreeably to the census of eighteen hundred and forty."

Mr. Dodge offered for adoption the following resolution:

*Resolved*, the Senate concurring herein, That the members of the Senate, and of the House of Representatives, meet in the Hall of the House, at 2 o'clock on Tuesday next, and proceed to the election of an Attorney General of this State; which was not agreed to.

The resolutions offered on Saturday last, by Mr. Archer, coming up for consideration, after discussion, Mr. Kitchell moved to lay the same on the table; which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Baldwin, Barnett, Bentley, Bissell, Blackman, Bussy, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dunlap, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, McClernand, McClurken, Marshall, Moore, Murphy of Perry, Odam, Oliver, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, Wilson, Wood, and Mr. Speaker—43.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Edwards, Emmerson, English, Froman, Gillespie, Gridley, Hardin, Henderson, Hull, Lincoln, Logan, McGinnis, McLean, Menard, Minshall, Munsell, Murphy of Cook, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, and Woodson—43.

When,

On motion,

The House adjourned to 2 o'clock.

#### TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Senate bill for "An act to vacate the town plat of the town of Livingston," was read the third time, and passed.

*Ordered*, That the Clerk inform the Senate thereof, and ask their concurrence in the amendments to the same.

Engrossed bills of the following titles were severally read the third time, and passed:

"An act to vacate a part of the town plat of Bennett's addition to the town of Petersburg, and for other purposes;"

"An act to repeal 'An act incorporating the town of Juliet;'"

"An act authorizing the erection of a bridge across Saline river;"

"An act supplemental to an act, entitled, 'An act in relation to Charleston Seminary, and Jonesboro' College,' approved 3d February, 1840;"

"An act to authorize Charles Sanburn, a minor, to execute a deed to the person therein named."

*Ordered*, That the titles be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Senate bill for "An act to legalize the assessment of property in the county of Peoria, for the year 1840;"

On motion of Mr. Minshall,

Was referred to a select committee.

*Ordered*, That Messrs. Minshall, Canady, and Lester be said committee.

Senate bill for "An act to authorize the removal of the seat of justice of Adams county," was,

On motion of Mr. Laughlin,

Referred to a select committee.

*Ordered*, That Messrs. Laughlin, Bailey, and Parsons be said committee.

Engrossed bill for "An act to amend an act, entitled, 'An act to regulate tavern and grocery licences,' coming up for consideration, Mr. Bennett moved to strike out so much of the bill as repeals the 8th section of the law regulating groceries,' approved 2d March, 1839;

On motion of Mr. Ormsbee,

Said amendment was laid on the table; and

On the further motion of Mr. Ormsbee, said bill was referred to a select committee.

*Ordered*, That Messrs. Ormsbee, Bennett, and Cavarly be said committee.

Bill for "An act to vacate the town plat of the town of Jefferson," was read a second time, and,

On motion of Mr. Cavarly,

Referred to the committee on the Judiciary, with the following instructions:

"That the committee on the Judiciary be instructed to bring in a bill providing for the vacation of towns, and the mode of perpetuating the evidence thereof."

Bill for "An act to locate and establish a State road from Peoria, in Peoria county, to Fairview, in Fulton county," was read the second time, and Mr. Charles moved to refer the same to the committee on State Roads; which was not agreed to, and the bill was

*Ordered* to be engrossed for a third reading.

Bill for "An act to amend an act authorizing a distribution of the Laws and Journals of this State, was read the second time, and

On motion of Mr. Parsons,

Referred to the committee on Education.

Bill for "An act to dispense with the services of the State House Commissioners, and to settle their accounts," was read the second time, and,

On motion of Mr. Ormsbee,

Referred to the committee on Public Accounts and Expenditures."

Bill for "An act to incorporate the town of Galesburg, in Knox county," was read the second time, and,

On motion of Mr. Leary,

Referred to the committee on Banks and other Corporations.

Mr. Hicks, on leave, introduced a bill for "An act to provide for the payment of interest;" which was read the first and second times, and

On motion of Mr. Trumbull,

Was amended by striking out the first proviso in the seventh section, And on the question—"Shall the bill be engrossed for a third reading?"

It was decided in the negative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Baldwin, Barnett, Bissell, Blackman, Bussy, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dunlap, English, Green, Hankins, Hicks, Humphrey, Laughlin, Leary, Logan, McClernand, McClurken, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Ormsbee, Parsons, Prentice, Ross, Scott, Trumbull, Turney, White, Wilson, Wood, and Mr. Speaker—40.



Those who voted in the negative, are,  
Messrs. Archer, Bailey, Beall, Bennett, Bentley, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Edwards, Emmerson, Froman, Gillespie, Gridley, Hardin, Henderson, Hull, Kelly, Kitchell, Lester, Lincoln, McLean, Menard, Minshall, Munsell, Oliver, Parkinson, Peck, Phelps, Phillips, Reynolds, Threlkeld, Thornton, Troy, Waters, Webb, West, and Woodson—45.

A message from the Council of Revision, by Mr. Douglass:

*Mr. Speaker:* I am directed by the Council of Revision to inform the House of Representatives that they have approved a bill for "An act to amend an act, entitled, 'An act to provide for the settlement of debts and liabilities incurred on account of the system of internal improvements in the State of Illinois,' " approved February 1, 1840; when

The House adjourned.

## TUESDAY, DECEMBER 15, 1840.

House met pursuant to adjournment.

Mr. Edwards, from the committee on Internal Improvements, to which was referred the bill for "An act to reimburse the internal Improvement fund, for advancements made to the canal fund;" reported the same back to the House with an amendment, which was read and concurred in.

Mr. Murphy of Cook, moved to refer the bill to the committee on Canals and Canal Lands; which was agreed to.

The resolutions offered some days since by Mr. Archer, in relation to an investigation into the proceedings of the canal commissioners, coming up for consideration; were,

On motion of Mr. Peck,

Laid on the table.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives, that they have passed bills of the following titles, viz:

"An act to charter a Female Academy, in Marion county;"

"An act to amend an act to incorporate the Hamilton primary school;"

"An act in relation to Pedlars."

In the passage of which they ask the concurrence of the House of Representatives.

Mr. Cavarly, on leave, introduced a bill for "An act to provide for the payment of interest on the internal improvement debt;" which was read the first and second times; when,

Mr. Kitchell moved to amend the same by striking out all after the enacting clause, and inserting "That all the property of the State belonging to the system of internal improvements" shall be offered at public sale at any time within eighteen months after the passage of this act for money down; such sale having been first published six weeks successively in two of the most public newspapers nearest to the place, when such property shall be sold, and the moneys so received with all the revenue that may

be received by the State, under the present revenue law, or under any other act which may be passed for the purpose of raising revenue, shall be paid into the State Treasury, and be applied to the payment of all debts now due, and becoming due by the State for money borrowed, and for interest contracted on moneys received, and for all legal liabilities whatever.

SEC. 2. The Governor is hereby authorized and empowered to borrow from time to time, any amount of money that he may deem necessary to pay all debts and interest legally due by the State on money received, or for property, or for labor done, or services rendered at an interest of not more than six per cent. per annum, payable at any time that may be agreed upon, after the year one thousand eight hundred and fifty.

SEC. 3. The Governor is hereby authorized and empowered to appoint an agent or agents, to enable him to carry this act into effect, but he shall at all times require of such agent or agents, bond or bonds, with sufficient security or securities, as he may deem necessary for the due execution of their duties, and the securities of any moneys they may receive, and on all contracts for money borrowed, the Governor may issue such evidence of the contract signed by himself as Governor of the State, countersigned by the Auditor, and the Seal of the State affixed thereto.

Mr. Carpenter moved to amend the amendment by striking out the words "money down" and insert "on a credit of one, two, and three years, payable in three annual instalments securing the payments by mortgage or otherwise."

On motion of Mr. Murphy of Cook,

Said amendments were laid on the table; when the bill was

*Ordered* to be engrossed for a third reading, by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Able, Bailey, Barnett, Bentley, Bissell, Blackman, Bussy, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, Drummond, Dunlap, English, Gillespie, Green, Hicks, Humphrey, Kelly, Laughlin, Leary, Lincoln, Logan, McClernand, McClurken, McDonald, McGinnis, McLean, Marshall, Menard, Moore, Murphy of Cook, Murphy of Perry, Odam, Oliver, Ormsbee, Parsons, Peck, Phelps, Prentice, Reynolds, Ross, Scott, Shepley, Trumbull, Turney, White, Wilson, and Mr. Speaker—51.

Those who voted in the negative, are,

Messrs. Archer, Baldwin, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Carpenter, Charles, Cox, Cunningham, Darnielle, Denny, Edwards, Emmerson, Froman, Funk, Gridley, Hankins, Hardin, Henderson, Hull, Kitchell, Lester, Minshall, Munsell, Parkinson, Phillips, Thornton, Threlkeld, Troy, Waters, West, Wheeler, Woodson, and Wood—37.

When,

On motion of Murphy of Perry,

The rules of the House were dispensed with, and the bill now read the third time, and passed, by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Able, Bailey, Baldwin, Barnett, Bentley, Bissell, Blackman, Bussy, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, Drummond, Dunlap, English, Gillespie, Green, Hicks, Humphrey, Kelly, Laughlin, Leary, Lincoln, Logan, McClernand, McClurken, McDonald, McGinnis, McLean, Marshall, Menard, Moore, Murphy of Cook, Mur-

phy of Perry, Odam, Oliver, Ormsbee, Parsons, Peck, Phelps, Prentice, Reynolds, Ross, Scott, Shepley, Trumbull, Turney, White, Wilson, and Mr. Speaker—52.

Those who voted in the negative, are,

Messrs. Archer, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Carpenter, Charles, Cox, Cunningham, Darnielle, Denny, Edwards, Emmerson, Froman, Funk, Gridley, Hankins, Hardin, Henderson, Hull, Kitchell, Lester, Minshall, Munsell, Parkinson, Phillips, Thornton, Threlkeld, Troy, Waters, West, Wheeler, Woodson, and Wood—36.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein; when,

On motion,

The House adjourned until 2 o'clock.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Senate bill for "An act to amend an act to incorporate the Hamilton Primary School;" was read the first time, and

*Ordered* to a second reading.

Senate bill for "An act to charter a Female Academy in Marion county;" was read the first and second time, and

On motion of Mr. Kitchell,

Referred to the committee on Education.

Senate bill for "An act in relation to Pedlars;" was read the first time, and

*Ordered* to a second reading.

A message from the Governor, by Mr. Douglass, Secretary of State:

*Mr. Speaker*: I am directed by the Governor to lay before the House a written communication.

The Speaker laid before the House a communication from the Governor, enclosing a report from the Board of Public Works; which was read, and

On motion of Mr. Murphy of Cook,

Laid on the table, and three hundred copies thereof ordered to be printed.

Mr. Blackman, on leave, introduced a bill for "An act to incorporate the Pisgah Academy;" which was read the first time, and

*Ordered* to a second reading.

On motion of Mr. Henderson,

The resolutions some days since offered by Mr. Archer, in relation to investigation into the doings of the Canal Commissioners; was taken up for consideration, and

Mr. Bentley moved to amend the same by striking out all after the word "Resolved" and insert the following:

*"By the House of Representatives, the Senate concurring herein*, That the Governor appoint three suitable persons who shall repair immediately to Lockport, and make a full and complete investigation into the conduct and proceedings of the Canal Commissioners, and report thereof to the

present session of the General Assembly, and they are authorized to send for persons and papers."

Mr. Cavarly demanded a call of the House, and the roll having been called,

On motion of Mr. English,

Further proceedings under the call were dispensed with.

Mr. Henderson moved to amend the original resolutions by striking out "two" on the part of the House, and "one" on the part of the Senate, and insert "five" on the part of the House, and "three" on the part of the Senate; which was not agreed to.

Mr. Murphy of Cook demanded the previous question.

And on the question—"Shall the main question be now put?"

It was decided in the affirmative.

And the question being on the adoption of the proposed amendment.

It was decided in the affirmative, by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Able, Baldwin, Barnett, Bentley, Bissell, Blackman, Bussy, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, English, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Shepley, Turney, Wheeler, White, Wilson, and Wood—45.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Dunlap, Edwards, Emmerson, Funk, Gillespie, Gridley, Hardin, Henderson, Hull, Lincoln, Logan, McLean, Menard, Minshall, Munsell, Oliver, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, Woodson, and Mr. Speaker—42.

And the resolutions as amended, were agreed to by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Able, Baldwin, Barnett, Bentley, Bissell, Blackman, Cavarly, Courtright, Crain, Cunningham, Dodge, Dollins, Dougherty, English, Hardin, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Munsell, Murphy of Cook, Murphy of Perry, Odam, Olds, Ormsbee, Parsons, Peck, Prentice, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, and Wood—44.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Carpenter, Charles, Cox, Darnielle, Denny, Drummond, Dunlap, Edwards, Emmerson, Funk, Gillespie, Green, Gridley, Hankins, Henderson, Lester, Lincoln, Logan, McLean, Menard, Minshall, Oliver, Parkinson, Phelps, Phillips, Reynolds, Ross, Thornton, Threlkeld, Troy, Waters, Webb, West, Woodson, and Mr. Speaker—42.

Ordered, That the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Henderson moved to take up resolutions some days since offered by him, in relation to State roads; which was not agreed to.

Mr. Murphy of Perry, from the select committee to which was referred the petition of sundry citizens of Hamilton, Franklin, and Perry counties; reported a bill for "An act, for the location of a State road in the counties of Hamilton, Franklin, and Perry;" which was read the first time, and

*Ordered* to a second reading.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives, that they have concurred with them in the passage of a bill for "An act to provide for the payment of the interest on the internal improvement debt, as amended by them."

In the passage of which amendments, they ask the concurrence of the House of Representatives.

Mr. Leary, from the committee on Engrossed Bills, reported as correctly engrossed, bills of the following titles:

"An act to locate and establish a State road from Peoria, in Peoria county, to Fairview, in Fulton county;"

"An act in relation to a road therein named;"

"An act to vacate a part of the town plat of the town of Griggsville;"

"An act to vacate a part of the town plat of McRoberts and Walker's addition to the town of Danville."

The bill for "An act to provide for paying the interest on the internal improvement debt;" with the Senate amendments thereto, coming up for consideration,

The questions being on concurring with the Senate in their amendments,

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Bailey, Baldwin, Barnett, Bentley, Bissell, Blackman, Bussy, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, Drummond, Dunlap, English, Gillespie, Green, Hicks, Humphrey, Kelly, Laughlin, Leary, Lincoln, Logan, McClernand, McClurken, McDonald, McGinnis, McLean, Marshall, Menard, Moore, Murphy of Cook, Murphy of Perry, Odam, Oliver, Ormsbee, Parsons, Peck, Phelps, Prentice, Reynolds, Ross, Scott, Shepley, Trumbull, Turney, White, Wilson, and Mr. Speaker—52.

Those who voted in the negative, are,

Messrs. Archer, Beall, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Carpenter, Charles, Cox, Cunningham, Darnielle, Denny, Edwards, Emerson, Funk, Gridley, Hankins, Hardin, Henderson, Hull, Kitchell, Lester, Minshall, Munsell, Parkinson Phillips, Thornton, Threlkeld, Troy, Waters, Webb, West, Wheeler, Woodson, and Wood—35.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Munsell offered for adoption the following resolution:

*Resolved*, That a select committee of three from this House be appointed to examine the accounts of the former commissioners of the Board of Public Works, and report to this House, whether said Commissioners have settled their accounts with the State, and whether any thing appears to be due from the State to the Commissioners, or from the Commissioners to the State. And if any amount of money is due to the State, whether

any further Legislative action is necessary on the subject, and that said committee be authorized to send for persons and papers; which was agreed to.

*Ordered*, That Messrs. Munsell, Ross, and Ormsbee be said committee.

On motion of Mr. Shepley,

*Resolved*, That the committee on Counties be instructed to enquire into the expediency of empowering the counties of this State to erect Alms-houses, and purchase a certain amount of real estate for such purposes, and that they report by bill or otherwise.

On motion,

The House adjourned.

### WEDNESDAY, DECEMBER 16, 1840.

The House met pursuant to adjournment.

Mr. Murphy of Cook presented the petition of William Dormady; which was read, and on his motion, referred to a select committee of five.

*Ordered*, That Messrs. Murphy of Cook, Dodge, Kitchell, Prentice, and Gridley be said committee.

Mr. Barnett presented the petition of Nancy C. Dye; which, without reading, was, on his motion, referred to the committee on the Judiciary.

Mr. Edwards, from the committee on Internal Improvements, to which was referred a certain petition, reported the same back to the House, and was discharged from the further consideration of the same.

Mr. Dollins, from the select committee to which was referred the Senate bill for "An act to incorporate the Benton Academy, in Franklin county, reported the same back to the House with amendments; which was concurred in, and the bill, as amended,

*Ordered* to be read a third time.

Mr. Leary, from the committee on Engrossed Bills, reported as correctly engrossed, a bill for "An act to incorporate the town of Macomb,"

Mr. Murphy of Cook, from the committee on Banks, and other Corporations," reported a bill for "An act to amend an act to incorporate the city of Chicago," approved 4th March, 1837; which was read the first and second times, and,

On motion of Mr. Leary,

Referred to a select committee.

*Ordered*, That Messrs. Leary, Murphy of Cook, and McDonald be said committee.

Mr. Parsons presented the petition of sundry citizens of Adams and Pike counties; which, without reading, was, on his motion, referred to the committee on Counties.

Mr. McClernand moved for adoption, the following resolution:

*Resolved*, That Thomas Mather, President of the Bank of the State of Illinois, be requested to inform this House whether the Board of Directors of that institution, have adopted an order refusing to pay the Warrants issued by the Auditor of Public Accounts; and if so, when? and whether the Directors appointed for the State concurred in said order.

Mr. Phelps offered for adoption the following resolution, viz:

*Resolved*, That the committee on Roads be instructed to enquire into the expediency of so amending the road law as only to allow the commissioners' courts of the several counties in this State to levy a labor tax of one day in each year, and permitting said courts to levy an annual tax of not exceeding            per cent. on all taxable property in their respective counties for road purposes, which said tax may be discharged in labor at a reasonable per diem allowance, and that they report by bill or otherwise.

Mr. White moved to amend by striking out "one day," and inserting "two days;" which was not agreed to, when the resolution was adopted.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives, that they have concurred with them in the passage of a bill for "An act making partial appropriations."

On motion of Mr. Peck,

*Resolved*, That Thomas Mather, President of the State Bank, and John Marshall, President of the Bank of Illinois, be respectively requested to furnish, for the information of this House, the names of the persons employed in each of the said Banks and Branches, with the salaries allowed to each, including the Attorneys employed in each of said Banks, and the amount of compensation allowed to each of said Attorneys.

On motion of Mr. Lester,

*Resolved*, That the committee on State Roads be requested to enquire into the expediency of so revising and amending the road law, and printing of it in pamphlet form so that each supervisor can have a copy, and said committee report to this House, by bill or otherwise.

On motion of Mr. Hankins,

*Resolved*, That the Auditor of Public Accounts lay before this House a tabular statement showing the number of acres of land lying in each county in this State, which will become taxable for revenue purposes, in the years 1841, 1842, and 1843.

Mr. Bentley, on leave, introduced a bill for "An act to provide for the payment of grand and petit jurors of Bond county;" which was read the first and second times.

Mr. Murphy of Cook moved to amend said bill, by adding "the counties of Cook, Will, Lake, Du Page, and McHenry;" when,

On motion of Mr. Drummond,

Said bill was referred to the committee on the Judiciary.

On motion of Mr. Cavarly,

*Resolved*, That the committee on Public Accounts and Expenditures be instructed to enquire into the expediency of providing by law for a permanent Board of Auditors, to be composed of the Auditor of Public Accounts, State Treasurer, and Secretary of State, whose duty it shall be to audit and settle the accounts of the late and present Board of Canal Commissioners, the late and present Board of Public Works, and such other receiving and disbursing agents of the State as may be necessary; and also, to settle all accounts with such contractors on the internal improvement works as have not yet been adjusted; and that said committee report by bill or otherwise.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker*: I am directed by the Senate (the House of Representatives concurring herein) to inform the House of Representatives that they will

meet them in the Hall of the House of Representatives, on Wednesday, the 16th inst., at 2 o'clock, P. M., for the purpose of electing an Attorney General for this State.

In the adoption of which resolution they ask the concurrence of the House of Representatives.

On motion of Mr. Shepley,

*Resolved*, That the committee on State Roads be instructed to enquire into the expediency of making a law authorizing and requiring the people of the several road precincts to elect their own supervisors, and that they report by bill or otherwise.

On motion of Mr. Brown of Sangamon,

*Resolved*, That the committee on Public Accounts and Expenditures be instructed to enquire into the expediency of abolishing the present system of printing, and of adopting a system by which the public printing may be let to the lowest bidder, and that they report by bill or otherwise.

Mr. Lester offered for adoption the following resolution:

*Resolved*, That the committee on Finance be instructed to enquire into the expediency of making it the duty of the county commissioners' courts to appoint one assessor, to reside in the bounds of each justice's district, for the purpose of taking in lists of taxable property in said district, and report by bill or otherwise; which was not agreed to.

On motion of Mr. Charles,

*Resolved*, That the committee on Internal Improvements report a memorial from this Legislature to Congress, asking that body to pass a law remitting the duty on the iron purchased by the State of Illinois, of Thompson & Forman, for railroad purposes.

On motion of Mr. Murphy of Cook,

*Resolved*, That the Governor be requested to transmit to this House all communications which he may have received from Mr. Delafield, and the bankers to whom bonds have been sold, and which are now in a state of litigation relative to said bonds.

Mr. Hardin offered for adoption the following resolution:

*Resolved*, That the committee on Finance be instructed to report a bill making the county Treasurer perform the duties of assessor, and requiring him to assess all the property in his county.

Mr. Gridley moved to amend the resolution by striking out all after the word "bill," and inserting as follows: "requiring that there shall be elected in each county, one assessor, whose duty it shall be to assess all the taxable property of such county;" which resolution as amended, was agreed to.

Mr. Webb, on leave, introduced a bill for "An act to amend the law in relation to chancery practice; which was read the first and second times by the title and referred to the committee on the Judiciary.

On motion of Mr. Dollins,

*Resolved*, That the committee on Finance be instructed to enquire into the expediency of so amending the present revenue law as to require one justice of the peace in each precinct, to assess the taxable property in such bounds, in the respective counties, with a view of dispensing with a large portion of the expenditures accruing under the existing revenue laws, and report by bill or otherwise.

Mr. Denny, on leave, introduced a bill for "An act providing for the collection of the State revenue in Greene, Bond, and other counties;"



which was read the first and second times, by its title, and on his motion, referred to the committee on Finance.

Mr. Waters, on leave, introduced a bill for "An act for a State road from Shawneetown to Vienna;" which was read the first time, and

On his motion, the rule of the House was dispensed with, and the bill read a second time, by its title, and

*Ordered* to be engrossed.

On motion of Mr. Woodson,

*Resolved*, That the committee on the Judiciary, to whom was referred a resolution requiring them to examine the official bonds of the late Fund Commissioners, and also, their contracts for the sale of State Bonds, &c., be further instructed to enquire whether said Fund Commissioners, or either of them, have received and appropriated to their own use any per centum or other monies arising from any of their negotiations in the sale of State Bonds, or other State securities, and that they have power to send for persons and papers, and examine witnesses on oath.

Mr. Green offered for adoption the following preamble and resolutions:

*Whereas*, The embarrassed condition of the finances of the State forbid the prosecution of all the works contemplated by our great system of internal improvements;

*And whereas*, Much money has already been expended on the Great Western Mail Route, which must be lost to the State, unless the unfinished works are put in a condition of more security than they now are, which may be done with comparatively small expense, and prove a great saving of labor and money to the State; therefore,

*Resolved*, That the committee on Internal Improvements be instructed to enquire into the propriety of providing the necessary means to place the work already done in a safe condition, and to finish such portions of work on said road as will render the work already done, available to the State, either by further appropriations from the State, or by providing some equitable plan to let the road to the respective counties through which it passes; and that they report by bill or otherwise; which was read and referred to the committee on Internal Improvements.

Mr. Hardin offered for adoption the following resolution:

*Resolved by the General Assembly of Illinois*, That it be recommended to the electors of this State, at the next general election of members of the General Assembly, to vote for or against a Convention to amend the Constitution of this State; and also demanded a call of the House, which having proceeded for some time,

On motion of Mr. Dodge,

Further proceedings under call of the House were dispensed with;

When,

Mr. Dodge moved to lay the resolution on the table; which was not agreed to.

Mr. Leary moved to refer said resolution to a committee of the Whole House, and make it the order of the day for Monday next: which was not agreed to; when the resolution was adopted by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Able, Archer, Bailey, Barnett, Beall, Bennett, Bentley, Bissell, Blackman, Brown of Sangamon, Brown of Vermilion, Canady, Carpenter, Charles, Cox, Darnielle, Denny, Dodge, Dollins, Dougherty, Drummond,

Dunlap, Edwards, Emmerson, Froman, Funk, Gillespie, Green, Gridley, Hardin, Henderson, Hull, Humphrey, Kitchell, Leary, Lester, Lincoln, Logan, McClernand, McClurken, McDonald, McLean, Menard, Minshall, Moore, Munsell, Murphy of Perry, Olds, Ormsbee, Parkinson, Parsons, Phelps, Phillips, Reynolds, Ross, Scott, Shepley, Thornton, Troy, Trumbull, Turney Waters, Webb, West, Wheeler, and Woodson—66.

Those who voted in the negative, are,

Messrs. Baldwin, Bradford, Cavarly, Courtright, Crain, Cunningham, English, Hankins, Hicks, Laughlin, McGinnis, Marshall, Murphy of Cook, Odam, Oliver, Peck, Prentice, Threlkeld, White, Wilson, Wood, and Mr. Speaker—22.

Which being agreed to,

*Ordered*, That the Clerk inform the Senate thereof, and ask their concurrence therein.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives, that they have adopted the following preamble and resolution, viz:

*Whereas*, by a mistake of the Secretary of the Senate, a message has been delivered by him to the House of Representatives, informing the House that a joint resolution has been passed by the Senate for the election of an Attorney General, which resolution accompanying the message, and is now in the possession of the House,

*And whereas*, said resolution has not passed the Senate.

*Therefore resolved by the Senate*, That the House of Representatives be respectfully requested to return said resolution to the Senate as soon as practicable.

The above message from the Senate was taken up for consideration, and concurred in.

*Ordered*, That the Clerk inform the Senate of the same, and return to them their resolution.

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

On motion of Mr. Cavarly,

*Resolved*, That the Clerk inform the Senate, that the House is now ready to receive them in the Hall of the House, and proceed to the election of a Senator to the Congress of the United States.

The Clerk having discharged that duty,

The Senate preceded by their Speaker, appeared in the Hall of the House, and thereupon, both Houses proceeded to said election; and upon the vote being taken, Samuel McRoberts received seventy-seven votes, Cyrus Edwards received fifty votes, and Edward D. Baker one vote.

For Samuel McRoberts,

Messrs. Allen, Evans, Feaman, Gaston, Gatewood, Gibbs, Hacker, Harris, Herndon, Houston, Hunter, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Slocumb, Snyder, Stadden, Warren, Witt and Wood, of the Senate; and

Messrs. Able, Baldwin Barnett, Bentley, Bissell Blackman, Bussy, Canady, Carpenter, Cavarly, Courtright, Cox, Dodge, Dollins, Dougherty, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood and Mr. Speaker, of the House of Representatives—77.

For Cyrus Edwards,

Messrs. Baker, Churchill, Davidson, Fithian, Hamlin, Harrison, Henry, Killpatrick, Little, Monroe, Ross, Sargent and Stapp, of the Senate; and

Messrs. Archer, Bailey, Beall, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Crain, Cunningham, Darnielle, Denny, Drummond, Emmerson, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Hull, Lincoln, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West and Woodson, of the House of Representatives—50.

For Edward D. Baker, Mr. Edwards, of the House of Representatives—I.

Mr. Samuel McRoberts, having received a majority of all the votes given, was, by the Speaker of the House of Representatives, declared duly elected Senator in the Congress of the United States for six years from the 4th of March next for the State of Illinois.

The Senate then retired to their chamber; and,

The House then adjourned.

#### THURSDAY, DECEMBER 17, 1840.

House met pursuant to adjournment.

Mr. Leary presented the petition of sundry citizens of Cook county; which, without reading, on his motion, was referred to the committee on the Judiciary.

Mr. Leary from the committee on Enrolled Bills, reported as correctly enrolled, a bill for "An act, making partial appropriations."

Mr. Humphrey presented the petition of sundry citizens of Columbus precinct, in Adams county; which, without reading, on his motion, was referred to the committee on the Judiciary.

Mr. Olds presented the petition of sundry citizens of Macoupin county; which, without reading, on his motion, was referred to the committee on State Roads.

Mr. Bailey presented the petition of sundry citizens of McDonough county, which, without reading, on his motion, was referred to the committee on State Roads.

Mr. McDonald presented the petition of Theodore Peck; which, without reading, on his motion, was referred to the committee on the Judiciary.

Mr. Murphy of Cook presented the petition of sundry citizens of Cook county; which, without reading, on his motion, was referred to the committee on State Roads.

Mr. Parsons presented the petition of sundry citizens of Pike and Adams counties; which, without reading, on his motion, was referred to the committee on Counties.

Mr. Leary from the committee on the Judiciary, to which was referred a resolution; reported a bill for "An act, declaring the edition of State Laws, published by Stephen F. Gale, evidence in courts of justice;" which was read the first time, and

*Ordered* to a second reading, and

On motion of Mr. Leary,

The rules of the House were dispensed with, and the bill now read a second time, by its title, and

*Ordered* to be engrossed.

Mr. Kitchell from the committee on the Judiciary, to which was referred the petition of the Society of Friends; reported the same back to the House, and

On motion of Mr. Brown of Vermilion,

Was referred to a select committee.

*Ordered*, That Messrs. Brown of Vermilion, Hardin and Froman be said committee.

Mr. Kitchell from the Judiciary committee, to which was referred the petition of sundry citizens of the State of Illinois, in relation to State Roads; reported the same back to the House, and recommended the reference of the same to the committee on State Roads; which was agreed to.

Mr. Kitchell from the Judiciary Committee, to which was referred the bill for "An act for the relief of the heirs of Daniel Barrow, deceased;" reported the same back to the House, and recommended its rejection;

When,

On motion of Mr. Logan,

The same was referred to a select committee.

*Ordered*, That Messrs. Logan, Dougherty and Baldwin be said committee.

Mr. Leary from the select committee to which was referred the petition of sundry citizens of Chicago, in Cook county; reported a bill for "An act to amend an act, in relation to the State Bank of Illinois;" approved January 31, 1840, which was read the first and second time by its title, and on his motion, referred to the committee on Banks and other Corporations.

Mr. Kitchell from the committee on the Judiciary, to which was referred a resolution in relation to consolidating the offices of county Collectors and Treasurers; reported the same back to the House, and asked to be discharged from its further consideration.

Mr. Ross moved to refer the same to the committee on Finance; which was not agreed to, by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Beall, Bentley, Bissell, Bradford, Courtright, Cox, Crain, Darnielle, Dollins, English, Gillespie, Hardin, Humphrey, Kelly, Lester, Lincoln, McClelland, McClurken, McDonald, McLean, Minshall, Moore, Munsell, Murphy of Cook, Murphy of Perry, Odam, Oliver, Ormsbee, Parsons, Peck, Ross, Scott, Shepley, Turney, Wheeler, White, and Woodson—38.

Those who voted in the negative, are,

Messrs. Able, Archer, Bailey, Blackman, Brown of Sangamon, Brown of Vermilion, Bussy, Canady, Carpenter, Cavarly, Charles, Cunningham, Denny, Dougherty, Drummond, Dunlap, Edwards, Emmerson, Froman, Gridley, Henderson, Hicks, Hull, Kitchell, Laughlin, Leary, McGinnis, Menard, Parkinson, Phelps, Prentice, Reynolds, Thornton, Threlkeld, Troy, Trumbull, Waters, Webb, Wilson, Wood, and Mr. Speaker—41.

When the committee was discharged from the further consideration of the same.

Mr. Laughlin from the select committee to which was referred a Senate bill for "An act to amend an act entitled 'An act, to incorporate the city of Quincy,'" approved February 3, 1840, reported the same back with amendments, which said amendments were concurred in, and the bill read a third time and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence in said amendments.

On motion of Mr. Murphy of Perry,

*Resolved*, That the Door-keeper of this House cause to be put up two additional Franklin Stoves, that this House may be rendered more comfortable.

On motion of Mr. Bissell,

*Resolved by the House of Representatives, the Senate concurring herein*, That the two Houses of the General Assembly will meet in the Representative Hall on Friday 18th inst., at 2 o'clock, P. M., for the purpose of electing an Attorney General of this State.

On motion of Mr. Bradford,

*Resolved*, That the committee on the Judiciary be instructed to enquire into the expediency of so amending the laws of this State, concerning jails and jailors, as to give to county commissioners courts of the several counties in this State, the same control over the jails and jailors of their respective counties as the sheriffs now have.

On motion of Mr. McClernand,

*Resolved*, That the President of the State Bank be requested to inform this House without delay, whether the Branch of said Bank heretofore located at Chicago, and directed to be removed therefrom under the provisions of an act in relation to the State Bank of Illinois, approved January 31, 1840, has been established at some other place as required by the provisions of the said act, and if not so established elsewhere, the reasons for so disregarding the law in that behalf.

Mr. Bentley offered for adoption the following resolution:

*Resolved by the House of Representatives, the Senate concurring herein*, That the Fund Commissioner be, and he is hereby directed to make no payments of interest on internal improvement bonds, where the contracts for the sale of the same have been illegally made, and where the consideration for the same has not been paid.

Mr. Leary moved to lay the resolution on the table; which was not agreed to.

Mr. Dougherty moved to amend the resolution by adding "and when the bonds remain in the hands of the original purchasers, and purchased with notice."

Mr. Drummond moved to amend by striking out all after the word "herein" and insert as follows:

"That the Fund Commissioner be instructed not to pay interest on any bonds on which the consideration has not been received by the State, where such bonds remain in the hands of the original purchasers, or subsequent purchasers with notice, that such consideration had not been received."

On motion of Mr. Leary,

The resolution as amended was referred to the committee on the Judiciary.

On motion of Mr. Leary,

*Resolved*, That the committee on the Judiciary be requested to enquire into the expediency of the passage of a law rendering members of the General Assembly of the State of Illinois, ineligible to any office within the gift of said General Assembly.

The House adjourned.

FRIDAY, DECEMBER 18, 1840.

House met pursuant to adjournment.

Mr. Peck presented the petition and remonstrances of sundry citizens of Cook and Kane counties; which, without reading, were referred to the committee on Counties.

Mr. Cavarly, from the committee on the Judiciary, to which was referred a resolution proposing to instruct the Fund Commissioner, reported as follows:

"That the law, as passed by this Legislature, authorizing the Fund Commissioner to pay the January interest upon the internal improvement debt is, in the opinion of your committee, sufficiently guarded in its provisions to protect the State against loss. By this law, the Fund Commissioner is required to pay no interest except that which will legally fall due on the first Monday in January, 1841.' It is not conceived that the Fund Commissioner would prescribe for himself a rule of action at war with that which has been settled by repeated adjudications.

In leaving the subject with the Commissioner, we feel a confidence that he will be governed solely by the known and settled principles of adjudicated cases in the State where the contracts were made, and where they must be settled by their own judicial tribunals. Any instructions at variance with this, would place this Legislature, as well as the Fund Commissioner, in an attitude not very enviable, and from which neither could recede without discredit.

For these reasons, your committee deem it inexpedient to give any other or further instructions than those embraced in the law, and have instructed me to ask the House that they be discharged from the further consideration of the subject."

Mr. Kitchell moved to lay the report on the table, which was not agreed to; when the report was concurred in.

Connected with the above report, the Speaker laid before the House a communication from the Fund Commissioner; which was read, and laid on the table.

On motion of Mr. Woodson,

The case of the contested seat from Peoria county was taken up for consideration.

Mr. Hardin demanded a call of the House.

Pending the call of the House, the Speaker laid before the House a communication from the Auditor of Public Accounts, in relation to taxable land in Illinois, for the years 1841, 1842, and 1843; which was read, and

On motion of Mr. Murphy of Perry,

Laid on the table.

The Speaker also laid before the House a communication from one of the State House Commissioners; which being read and laid on the table,

Mr. Dodge moved to print 150 copies of the same;

And before the question was put, the Door-keeper reported under the call of the House;

And the House again resumed the consideration of the case of the contested seat from Peoria county; when,

On motion of Mr. English,

The House now resolved itself into a committee of the Whole House on this subject; and after some time spent therein, the committee rose, and through Mr. English, chairman of the committee, reported that they had had the same under consideration, had made some progress therein, and asked leave to sit again.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives, that they have concurred with them in their amendments to a bill for "An Act to vacate the town plat of the town of Livingston;"

They have also passed a bill of the following title, viz: "An Act for the appointment of a Notary Public in the city of Nauvoo;"

In which they ask the concurrence of the House of Representatives.

They have concurred with the House of Representatives in the passage of a resolution having for its object the election of an Attorney General, at 2 o'clock, P. M., on the 18th instant.

And the question pending on granting leave to sit again to the committee of the Whole House in the case of the contested seat from Peoria county.

On motion,

The House adjourned to 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

On motion of Mr. McClernand,

*Resolved,* That the Clerk inform the Senate that the House of Representatives is now ready to receive them in the Hall of the House of Representatives to proceed to the election of an Attorney General for the State of Illinois.

Whereupon, the Clerk having so informed the Senate, the Senate, preceded by their Speaker, appeared in the Hall of the House of Representatives, and both branches of the General Assembly proceeded to the

election of an Attorney General, and the vote being taken, it appeared that Josiah Lamborn had seventy-five votes, David M. Woodson had forty-five votes, and Richard Yates had two votes.

Those who voted for Josiah Lamborn, are,

Messrs. Evans, Feaman, Gaston, Gibbs, Hacker, Harris, Herndon, Houston, Hunter, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Slocumb, Snyder, Stadden, Warren, Witt and Wood, of the Senate, and

Messrs. Able, Baldwin, Barnett, Bentley, Bissell, Blackman, Bussy, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turney, West, White, Wilson, Wood and Mr. Speaker—75.

Those who voted for Mr. Woodson, are,

Messrs. Baker, Churchill, Cullom, Davidson, Hamlin, Harrison, Killpatrick, Ross and Sargent, of the Senate, and

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Drummond, Edwards, Emmerson, Francis, Froman, Gillespie, Gridley, Hardin, Henderson, Hull, Lincoln, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters and Webb, of the House of Representatives—45.

Mr. Henry, of the Senate, and Mr. Woodson, of the House of Representatives, voting for Mr. Yates—2.

Whereupon, Josiah Lamborn, having received a majority of all the votes given, was declared, by the Speaker of the House of Representatives, duly elected to the office of Attorney General of the State of Illinois; and

The Senate having withdrawn,

Mr. McClernand moved that the House adjourn; which was not agreed to.

Mr. Hardin moved to discharge the committee of the Whole House from the further consideration of the contested seat from Peoria county.

Mr. Dodge demanded a call of the House.

Pending the call, the House took up for consideration the communication from one of the State House Commissioners, which was laid before the House this morning.

And the question recurring on the motion of Mr. Dodge to print 150 copies of said communication,

Mr. Hardin moved to lay the motion to print on the table; which was not agreed to.

Mr. Webb moved to re-consider the vote on laying said communication on the table; which was not agreed to.

When the motion to print 150 copies was agreed to.

The Speaker laid before the House a communication from the President of the State Bank of Illinois; which was read, and

On motion of Mr. Brown of Vermilion,

Laid on the table, and 150 copies thereof ordered to be printed.



The Door-keeper having reported, the House resumed the consideration of the case of the contested seat from Peoria county;

And the question recurring on the motion of Mr. Hardin to discharge the committee of the Whole House, from the further consideration of the same,

It was decided in the affirmative.

The question being on concurring with the report of the majority of the select committee,

Mr. Hardin moved to amend the resolution appended to the report, by striking out all after the word "Resolved," and inserting the following:

"That Norman H. Purple has not received the majority of the legal votes in Peoria county for Representative, as appears to this House from the testimony submitted in the case, and therefore is not entitled to a seat in this House as a Representative from Peoria county."

Mr. Parsons moved to amend the proposed amendment, by striking out all after the word "that," and inserting,

"Whereas, There is a diversity of sentiment among the members of this House in relation to the contested election from Peoria county, and doubts existing in the minds of many members, who really is entitled to the disputed seat in this case, and it being safer in all cases of doubt to refer the matter back to the people for their decision; therefore,

*Resolved*, That the case of the contested election between Messrs. Phelps and Purple, from Peoria, for a seat in this House, be referred back to the voters of Peoria county for their decision.

*Resolved*, That the Clerk of this House inform the Governor of the vacancy, and he be instructed to issue an order for the election of a Representative in and for said county, without delay."

Mr. Dodge moved that the House adjourn; which was not agreed to.

When Mr. Parsons' proposed amendment to the amendment was rejected by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Barnett, Bussy, Carpenter, Courtright, Crain, Dodge, Dollins, English, Green, Hicks, Humphrey, Kitchell, Leary, Lester, Logan, McClelland, Murphy of Cook, Murphy of Perry, Olds, Oliver, Ormsbee, Parsons, Peck, Prentice, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—34.

Those who voted in the negative, are,

Messrs. Able, Archer, Bailey, Beall, Bennett, Bentley, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Cavarly, Charles, Cox, Cunningham, Darnielle, Dougherty, Drummond, Dunlap, Edwards, Emmerson, Francis, Froman, Gillespie, Gridley, Hardin, Henderson, Hull, Kelly, Laughlin, Lincoln, McDonald, McLean, Menard, Minshall, Moore, Munsell, Odum, Parkinson, Phillips, Reynolds, Ross, Thornton, Threlkeld, Troy, Waters, Webb, West, and Woodson—47

Mr. McClelland moved that the House adjourn; which was not agreed to.

Mr. Peck demanded a call of the House, and the absentees having been ascertained,

On motion of Mr. Dougherty,

Further proceedings under the call of the House were dispensed with; Mr. Logan moved to adjourn; which was not agreed to.

Mr. Dodge demanded a call of the House; which was not agreed to.

Mr. Ross moved to adjourn; which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Baldwin, Barnett, Blackman, Bussy, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, English, Green, Hicks, Humphrey, Kitchell, Laughlin, Leary, Logan, McClernand, McDonald, Murphy of Cook, Murphy of Perry, Olds, Oliver, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—40.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bentley, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Drummond, Dunlap, Edwards, Emmerson, Francis, Froman, Gillespie, Gridley, Hardin, Henderson, Hull, Lester, Lincoln, McLean, Menard, Minshall, Moore, Munsell, Odam, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, and Woodson—43.

Mr. McClernand offered the following amendment to the amendment proposed by Mr. Hardin:

“Wm. J. Phelps is not elected to a seat in this House by a majority of more than one vote, if at all.

Mr. Gridley demanded the previous question;

And on the question—“Shall the main question be now put?”

It was lost, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Archer, Bailey, Beall, Bennett, Bentley, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Dougherty, Drummond, Dunlap, Edwards, Emmerson, Francis, Froman, Gillespie, Gridley, Lincoln, Menard, Moore, Munsell, Odam, Parkinson, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, White, and Woodson—38.

Those who voted in the negative, are,

Messrs. Baldwin, Barnett, Bissell, Blackman, Bradford, Bussy, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, English, Green, Hardin, Henderson, Hicks, Hull, Humphrey, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, McLean, Minshall, Murphy of Cook, Murphy of Perry, Olds, Oliver, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, Wilson, Wood, and Mr. Speaker—47.

When,

On motion of Mr. Dodge,

The House adjourned.

SATURDAY, DECEMBER 19, 1840.

House met pursuant to adjournment.

Mr. Cavarly presented the petition of Robert M. Ritchey; which, without reading, on his motion, was referred to the committee on the Judiciary.

Mr. Webb from the Judiciary Committee, to which was referred a bill for "An act to amend the law in relation to Chancery practice;" reported the same back to the House with an amendment, which was concurred in, and the bill as amended, was

*Ordered* to be engrossed for a third reading.

Mr. Murphy of Perry, from the committee on Education, to which was referred the bill for "An act, making School Commissioners elective by the people;" reported the same back to the House with amendments, which were read and concurred in.

Mr. Charles moved to amend the bill by adding as follows:

"SEC. 6. School Commissioners elected under this act, shall be required to keep their offices at their respective county seats;" which was not agreed to by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Beall, Bennett, Bradford, Brown of Vermilion, Carpenter, Cavarly, Charles, Cox, Darnielle, Drummond, Francis, Gillespie, Green, Gridley, Hardin, Hull, Leary, Lincoln, Menard, Minshall, Parkinson, Phelps, Prentice, Scott, Troy, Webb, West, and Wood—29.

Those who voted in the negative, are,

Messrs. Able, Bailey, Baldwin, Barnett, Bentley, Bissell, Blackman, Brown of Sangamon, Bussy, Canady, Courtright, Crain, Cunningham, Dodge, Dollins, Dunlap, Edwards, Emmerson, English, Froman, Hankins, Henderson, Humphrey, Kitchell, Laughlin, Lester, Logan, McClurken, McDonald, McGinnis, McLean, Marshall, Moore, Munsell, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Peck, Phillips, Reynolds, Ross, Shepley, Thornton, Threlkeld, Trumbull, Turney, Waters, Wheeler, White, Wilson, Woodson, and Mr. Speaker—54.

When the bill as amended, was

*Ordered* to a third reading.

Mr. Edwards from the committee on Internal Improvement, to which was referred so much of the Governor's message as relates to internal improvements, made a report, accompanied by a bill for "An act to repeal all acts authorizing the prosecution of the internal improvement system;" which was read the first time, and

*Ordered* to a second reading.

Mr. Munsell from the minority of Internal Improvement Committee, made a counter report, which was read, and together with the report of the majority on the same subject, will be found in the volume of reports.

Mr. Green from the committee on Claims, to which was referred the petition of John Van Ornam; reported the same back to the House, and was discharged from the further consideration of the same.

Mr. Drummond from the committee on the Judiciary, to which was referred the petition of Theodore Peck; reported the same back to the House, and was discharged from further consideration of the same.

Mr. Crain from the committee on Engrossed Bills, reported as correctly engrossed, bills for "An act, declaring the edition of State Laws, published by Stephen F. Gale, evidence in courts of justice."

"An act for a State road from Shawneetown to Vienna."

Mr. Trumbull from the committee on the Judiciary, to which was referred the petition of Nathan Low; reported the same back to the House, and was discharged from the further consideration of the subject.

Mr. Murphy of Perry, from the committee on Education, to which was referred resolutions in relation to distribution of School Funds; reported the same back to the House, and was discharged from the further consideration of the subject.

Mr. Minshall from the select committee to which was referred the Senate bill for "An act to legalize the assessment of property in the county of Peoria, for the year 1840;" reported the same back to the House with amendments, which were read and concurred in, and the bill

*Ordered* to a third reading.

Mr. Ormsbee from the select committee to which was referred the engrossed bill for "An act to amend an act entitled 'An act, to regulate Tavern and Grocery Licenses;" reported the same back to the House, with a substitute for the original bill, which was read.

Mr. Ross moved to amend the report in the 2d section by striking out "\$10," and inserting "\$25:" when,

On motion of Mr. Hardin,

The report and proposed amendment thereto, were laid on the table.

Mr. Murphy of Cook moved to strike out all after the enacting clause, and insert as follows:

"That after the passage of this act, no person shall be licensed to sell vinous or spirituous liquors in this State, and that any person who violates this act by selling such liquors shall be fined in the sum of one thousand dollars, to be recovered before any court having competent jurisdiction.

Mr. Lincoln moved to lay the proposed amendment on the table; which was decided in the affirmative by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Able, Archer, Bailey, Baldwin, Barnett, Beall, Bennett, Bissell, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Bussy, Carpenter, Cavarly, Charles, Courtright, Cox, Crain, Cunningham, Darnielle, Dodge, Dollins, Drummond, Dunlap, Edwards, Emmerson, English, Francis, Froman, Gillespie, Gridley, Hankins, Hardin, Hicks, Hull, Humphrey, Kitchell, Laughlin, Leary, Lester, Lincoln, Logan, McClurken, McDonald, McGinnis, Marshall, Minshall, Moore, Munsell, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parkinson, Peck, Phelps, Prentice, Reynolds, Ross, Scott, Shepley, Thornton, Threlkeld, Troy, Trumbull, Turney, Waters, Webb, Wheeler, Wilson, Woodson, and Mr. Speaker—75.

Those who voted in the negative, are,

Messrs. Bentley, Henderson, McLean, Menard, Murphy of Cook, Phillips, White and Wood—8.

Mr. Oliver moved to amend the original bill by adding the following:

"Sec. — That the third and fourth sections of an act to prevent selling of spirituous liquors in this State, and for other purposes;" approved February 11, 1823, be and the same are hereby repealed.

On motion of Mr. Charles,

The proposed amendment was laid on the table.

Mr. Charles moved to amend by striking out the words, "That the 8th section of the act to which this is an amendment, and" from the first section: which was not agreed to.

Mr. Dodge moved that the bill be referred to a committee of the Whole House, and be made the special order of the day for Thursday next; when,

On motion of Mr. Cavarly,

The bill was laid on the table.

A message from the Council of Revision, by Mr. Purinton, their Secretary:

*Mr. Speaker:* I am directed by the Council of Revision to inform the House of Representatives that they have approved of an act of the following title, to wit: "An act making partial appropriations."

Mr. Lincoln moved for adoption the following resolution:

*"Resolved,* That a select committee be appointed to enquire into the causes which have produced the very large expenditure for the item of public printing, and they be instructed to report a bill to the House having for its object the reduction of that item of expenditure, if in their judgment such reduction can be had without detriment to the public interest."

Mr. Bentley moved to refer the resolution to the standing committee on Public Accounts and Expenditures; which was not agreed to.

Mr. Olds moved to lay said resolution on the table, which was not agreed to.

Mr. Dodge moved to amend said resolution by striking out all after the word "Resolved," and insert,

"That a select committee of three be appointed to examine into, and report the amount of money expended for public printing for the last six years, and that they examine into the same, and report in detail, all the facts in the premises, and the expenditures for each year, also, upon the expediency of continuing the present system of public printing."

Mr. Ross moved to amend the amendment by striking out all after the word "that," and insert,

"The committee on Public Accounts and Expenditures be instructed to enquire whether there has not been more printing done by the Public Printer, and at a higher price than authorized by law, and whether the price and quantity cannot be reduced without detriment to the public interest; and that they report by bill or otherwise."

On motion of Mr. Woodson,

Said amendments were laid on the table.

Mr. Ormsbee moved the following amendment to Mr. Lincoln's resolution:

"And that the committee on Public Accounts and Expenditures be discharged from the subjects, referred to said committee a few days ago, since it is desirable that a select committee should take into consideration the subject of public printing."

On motion of Mr. Hardin,

Said amendment was laid on the table; when the resolution as offered by Mr. Lincoln was agreed to.

*Ordered,* That Messrs. Lincoln, Ormsbee, and Trumbull be said committee.

Mr. Dollins, on leave, introduced a bill for "An act to prevent the unlawful driving away of cattle, and other stock, by drovers and others; when,

On motion,

The House adjourned.

MONDAY, DECEMBER 21, 1840.

House met pursuant to adjournment.

Mr. Trumbull presented the petition of sundry citizens of Illinois Town, in St. Clair county; which, without reading, on his motion, was referred to a select committee.

*Ordered*, That Messrs. Trumbull, Baldwin, and Olds be said committee.

Mr. Brown of Vermilion presented the petition of sundry citizens of Vermilion county; which was read, and on his motion, referred to the committee on Finance.

Mr. West presented the petition of sundry citizens of Morgan and Cass counties; which, without reading, on his motion, was referred to the committee on Counties.

Mr. Ormsbee, from the committee on Public Accounts and Expenditures, to which was referred a resolution, reported a bill for "An act to create a permanent Board of Auditors, &c.;" which was read the first and second times, by its title, and

*Ordered* to be engrossed.

Mr. Drummond presented a petition and remonstrance in relation to building a bridge across Rock river; which, without reading, on his motion, was referred to a select committee.

*Ordered*, That Messrs. Drummond, Dodge, and Shepley be said committee.

Mr. Woodson, from the committee on Internal Improvements, to which was referred a certain resolution calling for the drafting of a memorial to Congress praying for the remission of the duty on railroad iron, reported a memorial; which was read, and,

On motion of Mr. Dougherty,

Amended by striking out the word "enormous;" and,

On motion of Mr. Cavarly,

Amended further by filling a blank in the last line of the first page, with the words "upwards of five;" when the memorial was agreed to.

*Ordered*, That the Clerk inform the Senate thereof, and ask their concurrence therein.

A message from the Governor, by Mr. Douglass, Secretary of State:

*Mr. Speaker*: I am directed by the Governor to lay before the House two written communications.

Mr. Murphy of Cook, from the select committee to which was referred the petition of William Dormady, reported a bill for "An act for the relief of William Dormady;" which was read the first and second times, and,

On motion of Mr. Gridley,

Referred to the committee on the Judiciary.

A message from the Senate by Mr. Berry, their Assistant Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives, that they have passed a bill of the following title: "An act to legalize the assessment of taxable property in the northern division of Jefferson county, for the year A. D. 1840."

In which they ask the concurrence of the House of Representatives:

The case of the contested seat from Peoria county, coming up for consideration, the question recurring on the amendment proposed by Mr. McClernand,

On motion of Mr. Woodson,

The same was laid on the table, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Archer, Bailey, Beall, Bennett, Bentley, Blackman, Brown of Vermilion, Canady, Carpenter, Charles, Cox, Cunningham, Darnielle, Dollins, Dougherty, Drummond, Dunlap, Edwards, Emmerson, Froman, Gillespie, Gridley, Hankins, Hardin, Henderson, Hull, Lincoln, McLean, Marshall, Menard, Minshall, Munsell, Odam, Parkinson, Phillips, Reynolds, Thornton, Threlkeld, Waters, Webb, West, and Woodson—43.

Those who voted in the negative, are,

Messrs. Baldwin, Barnett, Bissell, Bussy, Cavarly, Courtright, Crain, Dodge, English, Hicks, Humphrey, Kitchell, Leary, Logan, McClernand, McClurken, McDonald, McGinnis, Moore, Murphy of Cook, Murphy of Perry, Olds, Oliver, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—37.

Mr. Hardin moved to amend the proposed amendment by striking out all after the word "that," and inserting as follows:

"As William J. Phelps has received a majority of the votes for Representative from Peoria county, as appears by the poll-books of the election, and as it has not been proved to the satisfaction of this House, that he has not received a majority of the legal votes of said county; therefore, in the opinion of this House, the said William J. Phelps is entitled to hold his seat as Representative from Peoria county;" which was agreed to.

And the question recurring on the adoption of the resolution as amended,

It was decided in the affirmative, by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Able, Archer, Bailey, Beall, Bennett, Bentley, Blackman, Brown of Vermilion, Bussy, Canady, Carpenter, Charles, Cox, Cunningham, Darnielle, Denny, Dollins, Dougherty, Drummond, Dunlap, Edwards, Emmerson, Froman, Gillespie, Gridley, Hankins, Hardin, Henderson, Hicks, Hull, Lincoln, Logan, McGinnis, McLean, Marshall, Menard, Minshall, Munsell, Odam, Parkinson, Phillips, Reynolds, Threlkeld, Thornton, Waters, Webb, West, and Woodson—48.

Those who voted in the negative, are,

Messrs. Baldwin, Barnett, Bissell, Cavarly, Courtright, Crain, Dodge, English, Humphrey, Kitchell, Leary, McClernand, McClurken, McDonald, Moore, Murphy of Cook, Murphy of Perry, Olds, Oliver, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—33.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives, that they have passed a bill of the following title, viz: "An act to vacate a part of the town plat of John Pearson's addition to the town of Danville."

In which they ask the concurrence of the House of Representatives.

They have also adopted the following resolution:

*Resolved by the Senate, the House of Representatives concurring herein,*  
That all resolutions heretofore passed prohibiting Congress from locating

the Cumberland road through any part of this State, excepting to Alton, be, and the same are, hereby rescinded; and that Congress may have the right to continue the said road through the State of Illinois, to any point which may be deemed most proper.

In the passage of which they ask the concurrence of the House of Representatives.

On motion of Mr. Peck,

*Resolved*, That William Mitchell, a witness summoned in the matter of the contested election for Peoria county, be discharged from further attendance upon the House, and that he be permitted to take with him the poll-books of said county.

Mr. Murphy of Cook offered for adoption the following resolution:

*Resolved*, That the President of the State Bank be requested to inform this House what was the amount of indebtedness, both as principals and securities, of the President and Directors of the Bank and branches, on the 1st day of December, instant; also, the liabilities as principals and securities, of the stock-holders, distinguishing between residents and non-residents of this State; also, the amount of liabilities, of a similar kind, of the Directors on the part of the State; also, what number of stock-holders are indebted in sums of \$50,000 and upwards; what number between \$20,000 and \$50,000; what number between \$10,000 and \$20,000; and what number between \$5,000 and \$10,000; also, whether the State, which owns about three-fifths of the stock, is not equally entitled to receive accommodations by paying the same rate of interest as private stock-holders; also, whether a similar order has been made by the Bank, refusing accommodations to the private stock-holders, to the one recently adopted respecting the payment of Auditor's warrants, by which the credit of the State is virtually dishonored; also, the whole amount of liabilities of firms or trading houses with which the President and Directors may have been connected in trade.

Mr. Hardin moved to amend the resolution by striking out the words "by which the State is virtually dishonored;" which was not agreed to.

Mr. Cunningham moved to lay the resolution on the table; which was not agreed to; when the resolution was adopted.

On motion of Mr. Shepley,

*Resolved*, That the committee on Finance be instructed to enquire into the expediency of this Legislature passing a law authorizing the Bank of Illinois to locate a Branch of said bank at the city of Springfield, to be made the fiscal agent of the State of Illinois, and that they report by bill or otherwise.

Mr. Woodson offered for adoption the following resolution:

*Resolved by the General Assembly of the State of Illinois*, That they will receive no new business after the 15th day of January next; which was not agreed to.

On motion of Mr. Courtright,

*Resolved*, That a joint select committee of three on the part of the House of Representatives, and two on the part of the Senate, are hereby instructed to prepare and report for the adoption of both branches of the General Assembly, a memorial to Congress praying an alteration in the land laws, the objects of which shall be to permit the actual settler and resident to enter and purchase of the General Government, without restriction in number, forty acre tracts of the public lands, *Provided*, Said entries may



successively be made contiguous to, and adjoining the premises of such actual settler or resident; *And provided furthermore*, Said lands shall have been in market by the General Government for the term of five years and upwards.

*Ordered*, That Messrs. Courtright, Froman, and Kitchell be the committee on the part of the House; and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Peck offered for adoption the following resolution:

*Resolved by the House of Representatives, the Senate concurring herein*, That the General Assembly will, on Wednesday next, adjourn for fourteen days.

Mr. Hardin moved to amend by striking out all after the word "Resolved," and insert,

"That when this House adjourns on Thursday the 24th instant, it shall stand adjourned till 2 o'clock on Monday thereafter."

Mr. Ross moved to amend the amendment by striking out all after the word "that," and insert,

*"By the House of Representatives, the Senate concurring herein*, That the General Assembly adjourn on the 25th instant, to meet again on the first Monday in January next."

*Provided however*, That no compensation for mileage or services be allowed to the members or officers of the General Assembly, during said adjournment.

On motion of Mr. Trumbull,

The resolution and amendments were laid on the table.

Mr. Murphy of Perry, asked and obtained leave of absence for Mr. Green, Representative from Clay county.

Leave of absence was also granted to Mr. Lester, Representative from Brown county.

To Mr. Brown, Representative from Sangamon county.

To Mr. Laughlin, Representative from Adams county.

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The House met pursuant to adjournment.

Engrossed bills for "An act, declaring the edition of State Laws, published by Stephen F. Gale, evidence in courts of justice;"

"An act to vacate a part of the town plat of the town of Griggsville;"

"An act in relation to a road therein named;"

"An act to locate and establish a State road from Peoria, in Peoria county to Fairview in Fulton county;" were severally read the third time and passed.

*Ordered*, That the titles be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Engrossed bill for "An act, for a State road from Shawneetown to Vienna;" was read the third time, and

On motion of Mr. Blackman,

Referred to the committee on State Roads.

Engrossed bill for "An act to incorporate the town of Macomb;" was read the third time, and

On motion of Mr. Trumbull,

Referred to the committee on Banks and other Corporations.

Engrossed bill for "An act to vacate a part of the plat of Walker's and McRoberts' addition to the town of Danville;" was read the third time, and

On motion of Mr. Cavarly,

Referred to the committee on the Judiciary.

Mr. Gillespie, on leave, introduced a bill for "An act to change the time of holding courts in the second judicial circuit;" which was read the first time, and

*Ordered* to a second reading.

And on his motion, the rules of the House were dispensed with, and the bill read a second time, by its title.

Mr. Crain moved to refer the bill to a select committee; which was not agreed to; when,

On motion of Mr. ———,

The same was referred to the committee on the Judiciary.

Senate bill for "An act to legalize the assessment of property in the county of Peoria;" was read the third time, and

On motion of Mr. Drummond,

Amended by adding two additional sections; then the bill was passed, and

On motion of Mr. Trumbull,

The title was amended by adding after "Peoria" "and other counties."

*Ordered*, That the title be as amended, and that the Clerk inform the Senate thereof, and ask their concurrence in the amendments thereto.

Senate bill for "An act to incorporate the Benton Academy, in Franklin county;" was read the third time and passed as amended.

*Ordered*, That the Clerk inform the Senate thereof, and ask their concurrence in the amendments thereto.

Senate bill for "An act, making School Commissioners elective by the people;" was read the third time and passed as amended.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence in the amendments thereto.

Senate bill for "An act in relation to Pedlars;" was read the second time, and

Referred to the committee on Finance.

Senate bill for "An act to amend an act to incorporate the Hamilton Primary School;" was read the second time, and

On motion of Mr. Woodson,

Referred to a select committee.

*Ordered*, That Messrs. Woodson, Turney, and Beall be said committee.

Senate bill for "An act for the appointment of a Notary Public in the city of Nauvoo;" was read the first time, and

*Ordered* to a second reading.

Senate bill for "An act to vacate a part of John Pearson's addition to the town of Danville;" was read the first time, and

*Ordered* to a second reading, and

On motion of Mr. Cavarly,

The rules of the House were dispensed with and the bill now read a second time by its title, and

Referred to the Judiciary Committee.

The bill for "An act to prevent the unlawful driving away of cattle and other stock by drovers and others;" was read the first time, and

*Ordered* to a second reading, and

On motion of Mr. Ormsbee,

The rules of the House were dispensed with, and the bill now read a second time by its title, and

*Ordered* to be engrossed.

The bill for "An act to incorporate the Pisgah Academy;" was read the second time, and

On motion of Mr. Ross,

Referred to the committee on Banks and other Corporations.

A bill for "An act for the location of a State road in the counties of Hamilton, Franklin, and Perry;" was read the second time, and

*Ordered* to be engrossed.

A bill for "An act to repeal all acts authorizing the prosecution of the internal improvement system;" was read the second time, and

On motion of Mr. Dougherty,

Referred to a select committee of five.

*Ordered*, That Messrs. Dougherty, Hankins, Hull, Minshall, and Gridley be said committee.

The Senate resolution in relation to the Cumberland road, was read, and

On motion of Mr. Edwards,

Laid on the table.

Senate bill for "An act to legalize the assessment of taxable property in the Northern division of Jefferson county, for the year A. D. 1840;" was read the first time, and

*Ordered* to a second reading, and

On motion of Mr. Hicks,

The rules of the House were dispensed with, and the bill now read a second time by its title, and

*Ordered* to a third reading.

The Speaker laid before the House a communication from the Secretary of State, enclosing a communication from Mr. Ruggles the State's Attorney in New York, in the case of the State of Illinois, against Delafield and others; which was read, and

Referred to the committee on Finance.

The Speaker laid before the House a communication from the State Bank of Illinois; which was read, and

On motion of Mr. McClernand,

Referred to the committee on Banks and other Corporations.

The Speaker laid before the House a communication from the Governor, accompanied with correspondence between the Governor and Mr. Delafield and other Bankers; which, without reading,

On motion of Mr. Cavarly,

Was referred to the committee on Finance.

Mr. Peck, on leave, introduced a bill for "An act, making compensation to the persons therein named;" which was read a first time, and

*Ordered* to a second reading.

On motion of Mr. Lincoln,

The rule of the House was dispensed with, and the bill read a second time by its title.

Mr. Murphy of Perry, moved to strike out "three dollars" and insert "two dollars;" which was agreed to by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Able, Archer, Baily, Baldwin, Barnett, Beall, Bissell, Blackman, Bradford, Brown of Vermilion, Bussy, Canady, Cavarly, Carpenter, Charles, Courtright, Cox, Crain, Cunningham, Darnielle, Dollins, Dougherty, Drummond, Edwards, Emmerson, English, Francis, Froman, Hull, Kitchell, Lincoln, McClurken, McDonald, McGinnis, Moore, Munsell, Murphy of Perry, Odam, Parkinson, Parsons, Prentice, Ross, Threlkeld, Trumbull, Turney, West, Wheeler, Wilson, Woodson, and Wood—50.

Those voting in the negative, are,

Messrs. Bentley, Dodge, Gillespie, Gridley, Hardin, Henderson, Hicks, Humphrey, Leary, Logan, McClelland, McLean, Marshall, Menard, Minshall, Murphy of Cook, Olds, Oliver, Peck, Phelps, Reynolds, Scott, Shepley, Thornton, Webb, White, and Mr. Speaker—27.

Mr. McClelland moved to amend by adding "and fifty cents;" which was decided in the affirmative by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Baldwin, Beall, Bentley, Bissell, Blackman, Bradford, Bussy, Courtright, Dodge, Dunlap, Emmerson, English, Gillespie, Gridley, Hardin, Henderson, Hicks, Humphrey, Leary, Lincoln, Logan, McClelland, McClurken, McDonald, McLean, Marshall, Menard, Minshall, Murphy of Cook, Odam, Olds, Oliver, Ormsbee, Parkinson, Peck, Phelps, Reynolds, Scott, Shepley, Thornton, Turney, Webb, West, White, Wood, and Mr. Speaker—47.

Those who voted in the negative, are,

Messrs. Able, Bailey, Bennett, Brown of Vermilion, Canady, Carpenter, Cavarly, Charles, Cox, Cunningham, Darnielle, Dollins, Dougherty, Drummond, Edwards, Francis, Froman, Hull, Kitchell, McGinnis, Moore, Munsell, Murphy of Perry, Parsons, Prentice, Ross, Threlkeld, Wheeler, Wilson, and Woodson—30.

On motion of Mr. Henderson,

The rules of the House were dispensed with, and the bill read a third time by its title, and passed.

*Ordered*, That the title of the bill be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

On motion of Mr. Leary,

*Resolved*, That the Secretary of State be requested to inform this House what number of copies of the revised laws of 1833, are now in his office, and also, what number of copies of the laws of 1835, 6, 7, 8, and 9, are now in the office of Secretary of State, and what counties if any, are unfurnished with copies of any, or all of the said laws.

Mr. Gridley asked and obtained leave of absence for Mr. Phelps; when, The House adjourned.

TUESDAY, DECEMBER 22, 1840.

House met pursuant to adjournment.

Mr. Henderson asked and obtained leave of absence for Pierre Menard, a representative from Tazewell county.

Mr. Parsons presented the petition of sundry citizens of Jasper county, which, without reading, on his motion, was referred to the committee on Finance.

Mr. Parsons presented the petition of sundry citizens of Illinois; which, without reading, on his motion, was referred to the committee on Counties.

Mr. Peck presented the petition of John Miller; which, without reading, on his motion, was referred to the committee on Canals and Canal Lands.

Mr. Parsons from the committee on Education, to which was referred a Senate bill for "An act to charter a Female Academy in Marion county;" reported the same back to the House with amendments, which were read and concurred in, and the bill as amended, was

*Ordered* to be read a third time.

Mr. Munsell from the select committee, to which was referred a certain petition; reported a bill for "An act to provide for reviewing certain State roads;" which was read the first time, and the rules being dispensed with, read the second time now by its title, and

*Ordered* to be engrossed.

Mr. Edwards from the select committee, to which was referred the Senate resolutions in relation to Mr. Calhoun's Land Bill; reported the same back to the House, and asked to be discharged from the further consideration of the subject; when,

On motion of Mr. Trumbull,

The same was laid on the table.

Mr. Carpenter from the select committee to which was referred a certain petition; reported a bill for "An act to locate a State road from McLeansboro to Shawneetown;" which was read the first time, and

*Ordered* to a second reading.

A message from the Senate, by Mr. Berry, their Assistant Secretary :

Mr. Speaker: I am directed by the Senate to inform the House of Representatives, that they have passed a bill for "An act to amend an act, concerning justices of the peace and constables;" approved February 3, 1827.

In which they ask the concurrence of the House of Representatives.

They have also concurred with the House of Representatives, in the passage of bills of the following titles, viz:

"An act declaring the town of Benton the permanent seat of justice for the county of Franklin;"

"An act to extend the time for taking an enumeration of the inhabitants of this State."

They have also concurred with the House of Representatives in the adoption of a memorial to Congress, in relation to railroad iron.

They have also concurred with the House of Representatives in their amendments to a bill for "An act to amend an act, entitled 'An act to incorporate the city of Quincy;' approved February 3, 1840."

They have also repassed a bill for an act to vacate the town plat of the town of Livingston as amended by them, to obviate the objections of the Council of Revision, in which they ask the concurrence of the House of Representatives.

Mr. Turney moved the adoption of the following:

*Whereas*, by an act of the Congress of the United States, approved the day of 1836, there was deposited with the several States of the Union, the sum of                      dollars in proportion to their representation in Congress as surplus revenue,                      dollars of which as her distribution share was deposited with the State of Illinois.

*And whereas*, it is believed that the sum thus deposited with the State of Illinois, will never be called for or reclaimed by the United States, but left in perpetual deposite, to be disposed of, and appropriated in such manner, and for such objects as the Legislature may adopt.

*And whereas*, the intellect of the rising generation is the property of the Republic, upon the right cultivation of which the destinies of our free government and liberal institutions, as well as the happiness of themselves and the world depend, and for which each State is, and should act on the conviction morally responsible to the Republic, and to the great family of man.

*And whereas*, the full development of the human mind cannot be attained in any other manner than by primary instruction to all, where the poor and obscure have an equal chance with those, who from the accident of fortune or family connexion, are able to seek instruction where it may be found; therefore,

*Be it resolved by the General Assembly of the State of Illinois*, That our Senators in Congress be instructed, and our Representatives be requested to use their best efforts to procure a donation from the United States to the State of Illinois, of the said sum thus deposited, in trust as a permanent fund for the support of primary common schools.

*Resolved*, That the faith of the State is hereby irrevocably pledged for the faithful application of the above contemplated donation to the object contemplated in the foregoing resolution.

*Resolved*, That the Governor be requested to transmit a copy of the foregoing preamble and resolutions to each of our Senators and Representatives in Congress; which,

On motion of Trumbull,

Was laid on the table.

Mr. Henderson moved for adoption the following:

*Resolved by the House of Representatives*, That all subjects in relation to State roads be indefinitely postponed; and that the committee on State Roads be instructed to report a bill, having for its object a revision of the laws of this State on said subject, and giving entire and exclusive jurisdiction to the county Commissioners' Courts in all things relating to the location, vacation, or alteration of State roads."

On motion of Mr. Munsell,

The resolution was amended by inserting after the words "State Roads" the words "which may hereafter be presented;" and the resolution as amended, was agreed to.

Mr. Olds offered for adoption the following preamble and resolution.

*“Whereas, it appears that agents of the State have in some instances acted in the name of the State without authority, and have entered into contracts not warranted by the expressed and special powers given to them by law; therefore, in order to protect the interest of the State against great loss and manifest injustice,*

*Resolved, That the State of Illinois disavows all and every contract or transaction of any agent or agents made or entered into in their name or names as agents of the State, not warranted by expressed authority given them by law.*

But whilst repudiating all illegal and unauthorized contracts or transactions of their agents they expressly declare they will pay all moneys received, and pay a just compensation for any property accepted of by them, although such money or property may have been acquired without legal authority by their agent or agents.”

On motion of Mr. Dougherty,

Said preamble and resolutions were laid on the table by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Able, Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Bussy, Cavarly, Charles, Courtright, Cox, Darnielle, Denny, Dougherty, Drummond, Edwards, Emmerson, Francis, Gridley, Hankins, Hardin, Henderson, Hull, Humphrey, Leary, Lincoln, McGinnis, McLean, Marshall, Minshall, Murphy of Cook, Parkinson, Peck, Thornton, Webb, West, Wheeler, and Mr. Speaker—41.

Those who voted in the negative, are,

Messrs. Baldwin, Barnett, Bentley, Bissell, Blackman, Canady, Carpenter, Crain, Cunningham, Dollins, Dunlap, English, Froman, Hicks, Kelly, Kitchell, McClurken, McDonald, Moore, Munsell, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Prentice, Ross, Scott, Shepley, Threlkeld, Trumbull, Turney, Waters, White, Wilson, and Wood—37.

Mr. Wheeler offered for adoption the following resolutions:

*Resolved, That we believe a United States Bank to be unconstitutional and inexpedient.*

*Resolved, That we have full confidence in the Independent Treasury, as being a measure that is constitutional and expedient.*

*Resolved, That we have full confidence in the ability and patriotism of Martin Van Buren, and that he has faithfully discharged the official duties assigned him.*

Mr. Ormsbee moved to amend the foregoing resolutions by striking out all after the word “that,” and insert as follows:

“The General Government of the Union stands before the world after an existence of nearly fifty years, as simple and pure in form, as exempt from extraneous influences, and as much the Government of the people as it was when it came from the hands of its venerable makers.

*Resolved, That it is free from the entanglements, corruptions, and oppressions of the British credit system, which by the daring example of an avowed monarchist, was urged, and for a time, fastened upon it, and which, were it continued in the country, would plunge the laboring classes of our citizens into hopeless poverty and misery, and make them slaves to stock-jobbers and bankers.*

*Resolved*, That the revenues of the General Government, collected of the people for its legitimate purposes, were once diverted therefrom, and made the basis of bank discounts, and the support of a mis-called American system, and that this diversion would have continued a curse upon the nation had it not been arrested, and the revenues secured within the proper sphere of the Government by the exercise of strict Republican principles.

*Resolved*, That a United States Bank, an institution which, according to the highest authority, is as verily unconstitutional, as it has proved hostile to liberty, is now no more, and that the unnatural and impolitic connection of the Government with the general pursuits of the citizen, the treasury with banks, is happily at an end.

*Resolved*, That the trans-Atlantic indebtedness of the General Government is paid, and millions of taxation removed from articles purchased and consumed by our citizens, and that the public domain, which was fast falling into the hands of speculators, for beggarly shadows of money, and which would soon have been lost forever from the Government is saved to a great extent, for poor, yet honest and industrious farmers to convert into freemen's homes.

*Resolved*, That Andrew Jackson and Martin Van Buren, following out the great principles of Democracy, through good report and through evil report, in the cabinet, in Congress, and in the country, have counselled, sustained and effected these great measures of reform and deliverance for the people and their Government.

Mr. Olds moved to lay the resolutions as amended on the table; when The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Crain, from the committee on Engrossed Bills, reported as correctly engrossed, bills of the following titles:

"An act to amend the law in relation to chancery practice;"

"An act to create a permanent Board of Auditors, &c."

On motion of Mr. Prentice,

The rule of the House being dispensed with, the following preamble and resolution were adopted, to wit:

"*Whereas*, It appears, from the report of the committee to which was referred the petition of Nathan Lowe, of Shelby county, that they be discharged from the further consideration of the same, and believing that this Legislature has the power and the right to act on matters of this kind; therefore,

"*Resolved*, That the House now take up said petition, that the same be read and referred to a select committee;"

And the petition referred to in the aforesaid resolution was taken up for consideration, and referred to a select committee.

*Ordered*, That Messrs. Prentice, Cunningham, and Cavarly be said committee.

Mr. Hardin offered for adoption the following resolution:

*Resolved*, That when this House adjourns on Thursday, the 24th inst., it shall stand adjourned until Monday thereafter; which was rejected, by yeas and nays, as follows:



Those who voted in the affirmative, are,

Messrs. Bennett, Bentley, Cox, Cunningham, Darnielle, Drummond, Dunlap, Edwards, Francis, Gillespie, Gridley, Hardin, Henderson, Hull, Leary, McLean, Marshall, Murphy of Cook, Phillips, Prentice, Reynolds, Scott, Shepley, Threlkeld, Webb, West, White, and Wood—28.

Those who voted in the negative, are,

Messrs. Able, Archer, Bailey, Baldwin, Barnett, Beall, Bissell, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Bussy, Canady, Carpenter, Cavarly, Charles, Crain, Denny, Dollins, Dougherty, Emmer-son, English, Froman, Hankins, Hicks, Humphrey, Kelly, Kitchell, Lincoln, McClurken, McDonald, McGinnis, Minshall, Moore, Munsell, Mur-phy of Perry, Odam, Olds, Oliver, Ormsbee, Parkinson, Parsons, Peck, Ross, Thornton, Trumbull, Turney, Waters, Wheeler, Wilson, and Mr. Speaker—51.

Senate bill for "An act to charter a Female Academy in Marion coun-ty;" was read the third time by its title, and passed as amended.

*Ordered,* That the Clerk inform the Senate thereof, and ask their con- currence in said amendments.

Senate bills for "An act to legalize the assessment of taxable property in the northern division of Jefferson county, for the year 1840;" and

"An act for the appointment of a notary public in the city of Nauvoo," were read the third time by its title, and passed.

*Ordered,* That the titles be as aforesaid, and that the Clerk inform the Senate thereof.

Senate bill for "An act to vacate the town plat of the town of Living- ston," as re-passed by the Senate to obviate the objections of the Council of Revision, coming up for consideration, Mr. Cavarly moved to refer the same to the committee on the Judiciary; which was not agreed to, and the bill was re-passed as amended by the Senate.

*Ordered,* That the Clerk inform the Senate thereof.

Senate bill for "An act to amend an act, entitled, 'An act concerning justices of the peace and constables,' approved February 3d, 1827;" was read the first time, and the rule being dispensed with, the second time, by its title, and

*Ordered* to a third reading.

Engrossed bill for "An act to amend the law in relation to chancery practice;" was read the third time, and passed.

*Ordered,* That the title be as aforesaid, and that the Clerk inform the Senate thereof.

Engrossed bill for "An act to create a permanent Board of Auditors. &c;" was read the third time, and,

On motion of Mr. Trumbull,

Was amended by striking out the words, "and present," before the words "Board of Public Works," in the first section; when,

On motion of Mr. Hardin,

The bill as amended, was referred to the committee on the Judiciary.

The Speaker laid before the House a communication from the Secretary of State, in relation to the number of copies of the laws in his office, which was read, and laid on the table.

Engrossed bill for "An act to amend an act, entitled, 'An act to regulate tavern and grocery licenses,'" was taken up for consideration; whereupon,

Mr. Ormsbee moved to re-commit the same to the committee on the Judiciary, with the following instructions:

"To enquire into the constitutionality of the provisions of said bill; also, into the expediency of applying the prohibitions and penalties provided in said bill, in relation to grocers, to all persons whatsoever who shall vend vinous, or spirituous, or mixed liquors, in any quantity whatever;" which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Crain, Dollins, Hankins, Hicks, Kitchell, McClernand, McDonald, Murphy of Cook, Odam, Ormsbee, Peck, Prentice, Scott, Shepley, Turney, Waters, Wheeler, and Wood—18.

Those who voted in the negative, are,

Messrs. Able, Archer, Bailey, Baldwin, Barnett, Bennett, Bissell, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Bussy, Canady, Carpenter, Cavarly, Charles, Courtright, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Dunlap, Edwards, English, Francis, Froman, Gillespie, Gridley, Hardin, Henderson, Hull, Humphrey, Kelly, Leary, Logan, McGinnis, McLean, Minshall, Moore, Munsell, Murphy of Perry, Olds, Oliver, Parkinson, Parsons, Phillips, Reynolds, Ross, Thornton, Threlkeld, Trumbull, Webb, West, White, Wilson, and Mr. Speaker—58.

Mr. Charles moved to strike out all the bill except the third section; which was not agreed to.

Mr. Hicks moved to amend by substituting the following for the original bill:

"That the acts contained in the revised code of 1833, in relation to taverns, be, and the same are hereby declared to be in full force and effect, and all laws and parts of laws in relation to groceries, that have been since enacted, be, and the same are hereby repealed;" when

The House adjourned.

### WEDNESDAY, DECEMBER 23, 1840.

The House met pursuant to adjournment.

Mr. Drummond presented the petition of the county court of Lee county, which, without reading, on his motion, was referred to the committee on State Roads.

Mr. Drummond also presented the petition of sundry citizens of Hampton, Rock Island county, which, without reading, on his motion, was referred to the committee on Banks and other Corporations.

Mr. Waters presented the petition of Caleb Slankard and wife, which, without reading, on his motion, was referred to a select committee.

*Ordered*, That Messrs. Waters, Threlkeld, and Blackman be said committee.

Mr. Beall presented the petition of T. S. Hinds of Wabash county, which, without reading, on his motion, was referred to a select committee.

*Ordered*, That Messrs. Beall, Bennett, and Dunlap be said committee. Mr. Parkinson presented the petition of J. L. Heffington; which was read, and on his motion, referred to the committee on Claims.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that they have adopted the following resolutions, viz:

*Resolved by the Senate, and the House of Representatives of the State of Illinois*, That our Senators in Congress be instructed, and our Representatives be requested to use their exertions to prevent the repeal of the act of Congress passed at the last session, commonly known as the law establishing the Independent Treasury.

*Resolved*, That they be likewise instructed and requested to vote against all bills having for their object the establishment of a National Bank.

*Resolved*, That the Governor of this State be requested respectfully to transmit a copy of the foregoing resolutions to each of our Senators and Representatives in Congress.

They have also adopted the following resolution:

*Resolved by the Senate, the House of Representatives concurring herein*, That a joint select committee, consisting of two on the part of the Senate, and three on the part of the House of Representatives, for each Judicial Circuit, be appointed to prepare and report a bill providing for an apportionment of representation in this State; and have appointed Messrs. Baker, Moore, Witt, Ross, Wood, Snyder, Johnston, Gatewood, Davidson, Nunnally, Ralston, Little, Harrison, Pearson, Hamlin, and Stadden.

In which they ask the concurrence of the House of Representatives.

Leave of absence was granted by the House to Mr. Bentley, a Representative from the county of Bond;

To Mr. Marshall, a Representative from the county of Marion; and

To Mr. Cox, a Representative from the county of Morgan.

Mr. Trumbull presented the remonstrance of certain citizens of Illinois Town, St. Clair county; which, without reading, was referred to the same select committee to which was referred a petition on the same subject.

The resolutions under discussion when the House adjourned yesterday morning, presented by Mr. Wheeler, together with the proposed amendment thereto, offered by Mr. Ormsbee, coming up for consideration, were, on the pending motion of Mr. Olds, laid on the table.

On motion of Mr. Dollins,

*Resolved*, That the Secretary of State inform this House, from the best information in his possession, what number of copies of the existing laws now in force, and the laws that may be enacted during the present session, shall be necessary for distribution to public officers and for public convenience.

Mr. Wheeler offered for adoption the following preamble and resolution:

*Whereas*, The people are in debt, and to make a law to exonerate them from the payment of their just debts, would do manifest injustice to the creditor, and interfere with private contracts, and a violation of the Constitution, that says that the Legislature shall make no law impairing the obligation of contracts; therefore,

*Resolved*, That the committee on the Judiciary be instructed to enquire into the expediency of a stay law, so as to stay the proceedings on judg-

ments and executions, on condition that the defendants make the debt secure, by good and sufficient security for the discharge of the debt and costs.

On motion of Mr. Peck,

The House adjourned.

### THURSDAY, DECEMBER 24, 1840.

The House met pursuant to adjournment.

Mr. English asked leave of absence for Mr. Barnett, a Representative from the counties of De Witt and Macon.

Mr. Denny presented the petition of sundry citizens of Henry and Rock Island counties; which was read, and on his motion referred to a select committee.

*Ordered*, That Messrs. Denny, Francis, and Henderson be said committee.

On motion of Mr. Peck,

The following preamble and resolution were adopted:

*Whereas*, Doubts have arisen as to the power of the Fund Commissioner to appoint an agent to act for him in bonding railroad iron, at the port of New Orleans;

*Be it therefore resolved by the House of Representatives, the Senate concurring herein*, That the Fund Commissioner be, and he is hereby authorized to appoint an agent with full power to act for him in this behalf."

Mr. Logan, from the select committee to which was referred a certain petition, reported a bill for "An act to divorce James Willis;" which was read the first time, and

*Ordered* to a second reading, and

On his motion, the rule of the House was dispensed with, and the bill now read the second time, by its title, and referred to the committee on the Judiciary.

Mr. Murphy of Cook, from the committee on Banks and other Corporations, to which was referred the bill for "An act to incorporate the Pisgah Academy," reported the same back to the House without amendment, when the same was

*Ordered* to be engrossed for a third reading.

Mr. Murphy of Cook, from the same committee, to which was referred the Engrossed bill for "An act to incorporate the town of Macomb," reported the same back to the House, and recommended its passage; when the bill was read the third time and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Dodge presented the petition of the Ottawa Library Association; which was read, and on his motion, referred to a select committee.

*Ordered*, That Messrs. Dodge, Gridley, and Leary be said committee.

Also, the petition of Phineas Kimball; which was read, and referred to the committee on the Judiciary.

Also, the petition of sundry citizens of Dixon, in Lee county; which was read, and referred to the committee on Finance.

Also, the petition of sundry citizens of La Salle and Bureau counties; which was read, and referred to the committee on Counties.

Also, the petition of sundry citizens of Illinois; which was read and referred to the committee on the Judiciary.

Mr. Peck, from the committee on Finance, to which was referred a bill for "An act requiring pedlars and auctioneers to procure license," reported the same back, and recommended its rejection; which was agreed to.

Mr. Peck, from the committee on Finance, to which was referred the Senate bill for "An act in relation to pedlars," reported the same back with amendments, which were concurred in, and the bill as amended,

*Ordered* to a third reading.

Mr. Peck, from the committee on Finance, to which was referred a certain resolution in relation to assessors, &c., reported the same back, and asked to be discharged from the further consideration of the subject; which was agreed to.

Mr. Peck, from the committee on Finance, to which was referred a certain resolution, reported the same back, and asked to be discharged from the further consideration of the subject.

Mr. Peck, from the committee on Finance, to which was referred the petition of sundry citizens of Vermilion county, reported the same back, and asked to be discharged from the further consideration of the subject.

Mr. Dougherty, from the committee on the Judiciary, to which was referred the Senate resolution in relation to revising the laws, reported the same back, with an amendment to strike out all after the word "laws," in the eighth line, and insert,

"To revise and digest all the laws of this State, of a general nature, which shall be in force at the end of this session of the Legislature, and that they make such alterations therein as to them shall seem proper, and report the laws so revised, and a specification of the alterations so made, to the next General Assembly, within ten days after the meeting of the same, for their approval or rejection;" which amendments were concurred in, and the resolution as amended, was passed.

*Ordered*, That the Clerk inform the Senate of said amendments and ask their concurrence therein.

Mr. Dodge, from the select committee to which was referred the petition of H. Dechart and others, reported a bill for "An act for the relief of the persons therein named; which was read the first and second time, and

*Ordered* to be engrossed.

Mr. Kitchell, from the Judiciary committee, to which was referred the petition of sundry citizens of Columbus district in the county of Adams, praying for an additional justice of the peace; also, a remonstrance against the same, reported the same back, and asked to be discharged from the further consideration of the same; which was agreed to.

Mr. Kitchell, from the committee on the Judiciary, to which was referred a certain resolution, reported the same back, and on his motion, the committee were discharged from the further consideration of the same.

Mr. Kitchell, from the Judiciary committee, to which was referred a certain resolution and proposed amendment, reported the same back, and recommended the passage of the resolution, and the rejection of the amendment.

On motion of Mr. Drummond,  
The report was laid on the table.

On motion of Mr. Olds,

*Resolved*, That the committee on Claims, to which was referred the petition of John L. Haffington, be also instructed to report upon similar claims in behalf of Joseph Reynolds, James Clark, and Reuben Alderson, of the county of Macoupin.

On motion of Mr. Ormsbee,

The following preamble and resolutions were adopted:

*Whereas*, The Auditor of Public Accounts, in his report giving the item of expenditure for public printing, has embraced expenditures for both the session of the Legislature for 1839, '40, and of the present session, and has not separated the amount paid for printing, from the amount paid for binding; therefore,

*Resolved*, That the Auditor be requested to furnish this House with a statement showing the whole amount paid the Public Printer for all the printing done for the session of 1839, '40, including Laws, Journals, and Reports; also, in a separate statement, the amount paid the Binders for stitching, folding, covering with paper, and binding the Reports, Journals, and Laws for the same session; also, in a separate statement the cost of the paper used in the printing of the said session, and the names of the persons to whom paid; also, separately, the aggregate statement of the items of expenditure above enumerated, so as to show the actual amount paid the Public Printer for printing, the actual amount paid the Binders for binding and stitching, and the actual amount paid for paper used at the aforesaid session of 1839, '40.

On motion of Mr. Cavarly,

*Resolved*, That the State Treasurer be requested to make out and lay before this House, at as early a day as practicable, the following items of information:

1st. The number of offices, depots, and other buildings erected by the orders of the late Board of "Commissioners of Public Works," and "Board of Public Works;" where situated, the cost of each building, and the condition the buildings are now in; whether rented, to whom rented, and the annual amount?

2d. The quantity of railroad iron, spikes and nails, which have been received and not laid down; where situated, and in what condition the same is now, and the probable cost thereof?

3d. The amount of money paid out by the State for the right of way, and damages for, and on account of, the system of internal improvements, setting forth the names and amount paid to each person.

4th. What evidences are now on file, of grants or donations of land for the right of way, and whether the same have been acknowledged and recorded in the proper counties, according to law?

5th. Whether any railroad contracts were let by the late Board of Public Works, to whom let, and the amount agreed to be paid therefor?

6th. The amount of money expended by the late Board of Public Works at Alton and its vicinity, in making a wharf in front of that city.

Mr. Murphy of Cook moved for adoption the following resolution:

*Resolved by the House of Representatives, the Senate concurring herein*, That when the Legislature adjourns to-day, it shall stand adjourned till 10

o'clock on Monday next, to enable the standing committees to transact the business before them; which was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Archer, Bailey, Beall, Bissell, Bradford, Cavarly, Charles, Courtright, Crain, Darnielle, Dodge, Dougherty, Drummond, Dunlap, Edwards, English, Francis, Gridley, Henderson, Hull, Humphrey, Leary, McClernand, McGinnis, McLean, Minshall, Murphy of Cook, Murphy of Perry, Parkinson, Peck, Phillips, Prentice, Reynolds, Ross, Scott, Shepley, Thornton, and Wood—40.

Those who voted in the negative, are,

Messrs. Baldwin, Blackman, Bussy, Canady, Carpenter, Denny, Dollins, Emmerson, Froman, Hankins, Hicks, Kelly, Kitchell, Logan, McClurken, McDonald, Moore, Munsell, Odam, Olds, Oliver, Ormsbee, Parsons, Trumbull, Turney, Waters, Wheeler, Wilson, and Mr. Speaker—29.

On motion of Mr. Murphy of Perry,

*Resolved*, That the committee on Finance be instructed to enquire into the expediency of so amending the estray laws, as to require the surplus, after paying all reasonable expenses, to be paid into the county treasury.

On motion of Mr. Parsons,

*Resolved*, That the committee on the Judiciary be instructed to enquire into the expediency of amending the laws regulating landlords and tenants, so as to require landlords to prove their accounts before distraining for rent.

On motion of Mr. Murphy of Perry,

*Resolved*. That the committee on Finance be instructed to enquire into the expediency of repealing so much of the militia law as requires the paying of brigade inspectors out of the State treasury.

On motion of Mr. Waters,

*Resolved*, That the committee on the Judiciary be instructed to enquire into the expediency of so altering or amending the law concerning justices of the peace, and constables as to limit their jurisdiction in all civil actions to the precincts for which they were elected, and that they report by bill or otherwise.

On motion of Mr. Ross,

*Resolved*, That the committee on the Judiciary be instructed to enquire into the expediency of extending the jurisdiction of justices of the peace to \$200, and that they report by bill or otherwise.

Mr. Bussy offered for adoption the following preamble and resolution:

*Whereas*, By the operation of our present law regulating county commissioners' courts in the several counties in this State, is somewhat defective, inasmuch as the densely populated parts of some counties of this State have the power over the weaker parts in electing their representatives in said courts, therefore for the more equal distribution of said representatives in each county in this State;

*Resolved*, That the committee on Counties be instructed to enquire into the expediency of so amending the laws regulating county commissioners' courts in this State as to divide each county into three districts, called commissioners' districts, and that one of said commissioners shall hereafter be elected in each district, as vacancies may happen, by the expiration of the term of office of the present commissioners, with instruction to report by bill or otherwise.

On motion of Mr. Munsell,

*Resolved*, That the committee on the Judiciary be instructed to enquire into the expediency of repealing so much of the law as provides for the taxing a docket fee on petitions for the division of lands among heirs; also, for the sale of lands by executors and administrators; also, to compel title when the obligee is dead.

On motion of Mr. Murphy of Cook,

*Resolved*, That the committee on the Judiciary be instructed to enquire into the constitutionality of the capitation tax, now levied for working roads, and report accordingly.

Mr. Trumbull, from the select committee, to whom was referred certain resolutions in relation to the distribution of the proceeds of the sales of public lands, made a minority report; which was laid on the table.

Mr. Drummond moved to print 200 copies of the majority and minority reports of said committee.

Mr. McClernand moved to take up the reports for consideration; which was not agreed to; and,

On motion of Mr. Olds,

The motion to print was laid on the table.

Mr. Hicks offered for adoption the following preamble and resolution:

*Whereas*, It is made the duty of each of the Supreme Judges, the Attorney General, the Clerk of the Supreme Court, each of the prosecuting Attorneys in their several circuits, the Secretary of State, the Auditor of Public Accounts, the Treasurer of the State, the Major, the Brigade and Adjutant Generals, to make a report of all apparent defects, inconsistencies, omissions, unequal or oppressive laws, which each shall have discovered, to the Speaker of the House of Representatives, at the commencement of each and every session of the General Assembly, for the purpose of enabling it to make such amendments as will tend to perfect our code;

*And whereas*, The Hon W. Kitchell, late Attorney General, has made his report in conformity with said act; Therefore,

*Resolved*, That one copy of said report be printed for the use of each member of this House; which was agreed to.

Mr. Ormsbee, on leave, introduced a bill for "An act concerning roads;" which was read the first time, and

*Ordered* to a second reading.

Mr. Ormsbee moved to dispense with the rule of the House, and read the bill a second time by its title; which was not agreed to.

Leave of absence was granted to Mr. Ross, Representative from Fulton county, and

To Mr. Webb, Representative from White county.

Mr. Dodge, on leave, introduced a bill for "An act defining the method of issuing process in courts of law; which was read the first time, and,

On motion of Mr. Dodge,

The rule of the House was dispensed with, and the bill now read a second time, by its title, and on his further motion, referred to the committee on the Judiciary.

Mr. Trumbull, on leave, introduced a bill for "An act providing for an issue term of the circuit court; which was read the first and second time, and on his motion, referred to the committee on the Judiciary.



Mr. Dodge, on leave, introduced a bill for "An act extending the duties of notaries public;" which was read the first time and second time, by its title, and on his motion, referred to the committee on the Judiciary.

Mr. Peck, on leave, introduced a bill for "An act to incorporate the Chicago and La Salle Railroad Company;" which was read the first and second time, and referred to the committee on Banks and other Corporations.

Mr. Dodge, on leave, introduced a bill for "An act to vacate the town plat of the town of Shrewsbury;" which was read the first time, and

*Ordered* to a second reading; when,

On motion,

The House adjourned.

### FRIDAY, DECEMBER 25, 1840.

House met pursuant to adjournment.

The Speaker called the House to order, and it appearing that there was not a quorum present,

On motion of Mr. Carpenter,

The House adjourned.

### SATURDAY, DECEMBER 26, 1840.

House met pursuant to adjournment.

No quorum appearing,

On motion of Mr. English,

The House adjourned.

### MONDAY, DECEMBER 28, 1840.

House met pursuant to adjournment.

Leave of absence for ten days was granted to Messrs. Cunningham and Threlkeld, Representatives from the county of Coles; also to Mr. Prentice, a Representative from the county of Shelby; and to Mr. Scott, Representative from the county of Clinton.

Mr. Kitchell demanded a call of the House; and pending the call of the House,

Mr. Dodge presented the petition of citizens of Whitesides county; which was read, and on his motion, referred to a select committee.

*Ordered*, That Messrs. Dodge, Drummond, and Courtright be said committee.

Mr. Charles also presented the petition of sundry citizens of Hancock and McDonough counties; which, without reading, on his motion, was referred to the committee on State Roads.

Mr. Drummond presented the petition of David and Samuel Mitchell, for a ferry across the Mississippi; and of David Jewett and others for a bridge across the Pekatonica; which, without reading, on his motion, were referred to a select committee.

*Ordered*, That Messrs. Drummond, Henderson, and Thornton be said committee.

A message from the Senate, by Mr. Stapp, a Senator:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives, that they have passed bills of the following titles, viz:

"An act to regulate foreign Insurance Company agencies established in the State of Illinois;"

"An act organizing a school district in Vermilion county, and authorizing the sale of school lands therein;"

"An act to incorporate the Schuyler City Manufacturing Company;"

"An act authorizing the county commissioners of Monroe county to borrow money for certain purposes."

In the passage of which they ask the concurrence of the House of Representatives.

They have refused to concur with the House of Representatives in the passage of a resolution, having for its object the adjournment of both branches of the Legislature, until Monday the 28th inst.

They have agreed with the House of Representatives in the passage of a preamble and resolution, in relation to powers of the Fund Commissioner, to appoint an agent, &c., as amended by them.

In which amendment, they ask the concurrence of the House of Representatives.

They have also concurred with the House of Representatives in the passage of a bill for "An act, making compensation to the persons therein named."

The Door-keeper having reported, and it appearing that there was no quorum present.

On motion of Mr. McClernand,

The House adjourned.

## TUESDAY, DECEMBER 29, 1840.

House met pursuant to adjournment.

Mr. Hardin presented the petition of the trustees of "Illinois College;" praying an alteration in their charter.

The reading of which was dispensed with, and on his motion, referred to a select committee.

*Ordered*, That Messrs. Hardin, Woodson, and Murphy of Perry be said committee.

Mr. Crain from the committee on Engrossed Bills, reported as correctly engrossed, a bill for

"An act, for the location of a State road, in the counties of Hamilton, Franklin, and Perry;" also, a bill for

"An act to prevent the unlawful driving away of cattle."

Mr. Murphy of Cook, from the committee on Banks and Corporations, to which was referred the communication from the State Bank; reported the same back, and were on his motion discharged from the further consideration of the same.

Mr. Kitchell from the committee on the Judiciary, to which was referred a petition respecting the bounty on Wolves scalps; reported the same back, and on his motion, were discharged from the further consideration of the same.

Mr. Peck from the committee on Finance, to which was referred the petition of sundry citizens of Jasper county, to legalize certain acts of the commissioners of said county; reported a bill for "An act, to legalize the acts of the commissioners of Jasper county; which was read a first and second time, and

*Ordered* to be engrossed.

Mr. Leary from the committee on the Judiciary, to which was referred a certain resolution relating to the extension of the jurisdiction of justices of the peace; reported the same back, and on his motion, were discharged from the further consideration of the same.

Mr. Leary from the committee on the Judiciary, to which was referred the petition of Phineas Kimball; reported the same back, and was discharged from the further consideration of the same.

Mr. Logan from the select committee, to which was referred a bill for "An act for the relief of the heirs of Daniel Barrow;" reported the same back, and recommended the passage of the same; when the bill was

*Ordered* to be engrossed for a third reading.

Mr. Woodson from the select committee to which was referred a Senate bill for "An act to amend an act to incorporate the Hamilton Primary School;" reported the same back without amendment; when the bill was

*Ordered* to a third reading.

On motion,

The rule of the House was dispensed with, and the bill read a third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof.

Mr. Peck from the select committee to which was referred the petition from the first Unitarian Society in Chicago; reported a bill for "An act to extend the provisions of an act entitled "An act, to provide for the dedication of lots in towns situated on canal lands to public purposes;" approved February 28, 1839; which was read the first time, and

*Ordered* to a second reading.

Mr. Waters from the select committee to which was referred the petition of Caleb Slanker and wife; reported a bill for "An act to divorce Caleb Slanker and wife;" which was read a first time, and refused a second reading.

On motion of Mr. Darnielle,

*Resolved*, That the Reverend Mr. Mann, be permitted to occupy this Hall at early candle lighting on the evenings of Tuesday, Wednesday, and Friday of the present week; and also on Sunday next at 11 o'clock. A. M. at early candle lighting of same day, for the purpose of delivering five theological lectures.

Mr. Kitchell offered for adoption the following preamble and resolutions, viz:

*"Whereas*, The stockholders of the Bank of Illinois claim the rights of banking prescribed by the charter under the provisions of section twenty-one, of the eighth article of our State Constitution, which is as follows, viz: 'That there shall be no other banks or monied institutions in this State, but those already provided by law, except a State Bank and its Branches, which may be established and regulated by the General Assembly of the State, as they may think proper.

*And whereas*, it appears by a report of the President and Directors of said bank, that the State owns \$2,100,000 of the stock of said bank, about three-fifths of its whole capital.

*And whereas*, the State holding a majority of stock, and liable to three-fifths of all its expenses, and a proportionable loss, now has but seven directors in that institution, and the private stockholders have nine, giving the minority of capital stock, power to control the majority. And thereby rendering the State powerless to protect her interest in said institution; therefore, in order to enable the State to protect her interest in said institution, and in accordance with the express provisions of the above recited section of the Constitution of the State,

*"Resolved*, That the committee on Banks and other Corporations be instructed to enquire into the expediency of providing for the appointment of five additional directors on the part of the State, thereby constituting twelve directors for said institution on the part of the State, and that they report by bill or otherwise."

Mr. Hardin offered for adoption the following preamble and resolutions:

*"Whereas*, it is represented that some incorporated cities and towns in this State pay a State, county and corporation tax, on all taxable property within the same, and that others are exempt from a portion of said taxes;

Therefore,

*Ordered*, That the committee on Finance be instructed to report a bill, making the taxes on all incorporated towns and cities uniform, either by exempting said incorporated cities and towns from a portion of said tax, or by making all pay equally alike;" which was not agreed to.

On motion of Mr. Brown of Vermilion,

*"Resolved*, That the committee on Finance be instructed to enquire into the justice and propriety of providing by law, for the redemption of scrip in the hands of citizens of this State and others, who hold it in payment for services rendered to the State on the works of internal improvement, or for other services rendered to State, and to report to this House at as early a day as practicable, by bill or otherwise."

On motion of Mr. Canady,

*"Resolved*, That the committee on Finance be requested to report to the House, whether in the opinion of the committee, it is possible in the present condition of the finances of the State, longer to preserve the faith and credit of the State untarnished, and if so, that they report to the House such plan as in the opinion of the committee will be most likely to accomplish that desirable object."

Mr. Woodson, on leave, introduced a bill for "An act to amend an act concerning public revenue;" approved February 26, 1839; which was

read a first and second time, and on his motion, referred to the committee on Finance.

Mr. Dougherty, on leave, introduced a bill for "An act to establish the court of probate;" which was read a first and second time, and

On motion of Murphy of Perry,

Referred to the committee on the Judiciary.

Mr. Drummond, on leave, introduced a bill for "An act concerning the town of Belvidere;" which was read a first and second time, and on his motion, was referred to the committee on the Judiciary.

Mr. McClernand, on leave, introduced a bill for "An act to enable Stephen Chambers to procure a deed for a certain tract of land;" which was read a first and second time, and on his motion, referred to the committee on the Judiciary.

Mr. Logan, on leave, introduced a bill for "An act to incorporate the Union Manufacturing Company;" which was read a first and second time, and referred to the committee on Banks and other Corporations."

Mr. Kitchell, on leave, introduced a bill for "An act to amend an act entitled 'An act, to provide for the safe keeping and security of the public money;" which was read a first and second time, and referred to the committee on Finance.

Mr. Odam, on leave, introduced a bill for "An act, to incorporate the Marion Academy in Williamson county;" which was read a first and second time, and on his motion, referred to the committee on Education.

Mr. Peck, on leave, introduced a bill for "An act to authorize limited partnerships;" which was read a first time, and

*Ordered* to a second reading.

Mr. Lincoln, on leave, introduced a bill for "An act to establish a ferry across the Illinois river;" which was read the first time, and

*Ordered* to a second reading.

Mr. Lincoln, on leave, introduced a bill for "An act, for the relief of the creditors of the late William Wernwag;" which was read a first time, and

*Ordered* to a second reading.

Mr. Trumbull, on leave, introduced a bill for "An act, in relation to free negroes and mulattoes;" which was read a first and second time, and on his motion, referred to the committee on the Judiciary.

Mr. Hardin, on leave, introduced a bill for "An act, to change the name of a person therein named;" which was read a first and second time, and

*Ordered* to be engrossed.

The Speaker laid before the House a communication from the Auditor of Public Accounts, which was read and referred to the same select committee, to which was referred the resolution to enquire into the expenses of public printing; when,

The House adjourned.

WEDNESDAY, DECEMBER 30, 1840.

House met pursuant to adjournment.

Mr. Murphy of Perry, presented the petition of Aquilla Combs; which, without reading, on his motion, was referred to a select committee.

*Ordered*, That Messrs. Murphy of Perry, Parkinson, and Crain be said committee.

Mr. Dodge presented the petitions and remonstrance of sundry citizens of La Salle and Kane counties; which, without reading, on his motion, were referred to a select committee.

*Ordered*, That Messrs. Dodge, McClernand, and Ormsbee be said committee.

Mr. Henderson presented the petition of sundry citizens of Putnam county; which, without reading, on his motion, was referred to the committee on Education.

Mr. Bennett presented the petition of citizens of Menard county; which, without reading, on his motion, was referred to the committee on State Roads.

Mr. Minshall presented the petition of sundry citizens of Schuyler county; which, without reading, on his motion, was referred to the committee on Education.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives, that they have passed bills of the following titles, to wit:

"An act to incorporate the Western Marine and Fire Insurance Company;"

"An act to amend an act, simplifying proceedings at law for the collection of debts;" approved February 25, 1833;

"An act to establish the county of Henderson;"

"An act to repeal an act entitled 'An act, making an appropriation for a Library, for the use of the Legislature and Supreme Court, and also to repeal an act allowing a premium on Wolf scalps;'"

"An act to incorporate the Payson Academy;"

"An act to amend an act, entitled 'An act, to incorporate the town of Kaskaskia;" approved January 6, 1818;

"An act to incorporate the Philomathean Society of Mount Carmel, Illinois;"

"An act to legalize the acts of Samuel C. McClure, as probate justice of the peace of Ogle county;"

"An act to amend an act entitled 'An act, to incorporate the Jo Daviess Marine and Fire Insurance Company.'"

In the passage of which bills, they ask the concurrence of the House of Representatives.

They have also concurred with the House of Representatives, in the passage of a bill for "An act, authorizing the erection of a bridge across Saline river."

A message from the Senate, by Mr. Stapp, a Senator:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives, that they have adopted the following resolution:

*“Resolved by the Senate, the House of Representatives concurring herein, That the Fund Commissioner be, and he is hereby prohibited from selling or hypothecating State Bonds for any purpose whatsoever, except to pay the interest that will become due for internal improvement bonds already legally sold, and for paying the expenses and freight on railroad iron, and all other expenses attending the execution of the duties of his office as Fund Commissioner, any law to the contrary notwithstanding.”*

In the passage of which they ask the concurrence of the House of Representatives.

Mr. Cavarly from the committee on the Judiciary, to which was referred sundry petitions, and bills in relation to vacation of town plats; reported a bill for “An act, to vacate town plats;” which was read the first time, and

*Ordered to a second reading.*

Mr. Drummond, from the committee on the Judiciary, to which was referred a resolution in relation to docket fees, in cases of petition for division of land; reported the same back to the House, and was discharged from the further consideration of the same.

Mr. Drummond, also from the same committee to which was referred a bill for “An act to divorce James Willis;” reported the same back to the House, and was discharged from the further consideration of the same.

And the question being, on ordering the bill to be engrossed.

It was decided in the negative.

Mr. Leary from the committee on the Judiciary, to which was referred the bill for “An act, extending the duties of Notaries Public;” reported the same back to the House without amendment; when, the bill was

*Ordered to be engrossed for a third reading.*

Mr. Murphy of Cook, from the committee on Banks and other Corporations, to which was referred the bill for “An act to incorporate the town of Galesburg, in Knox county;” reported the same back to the House with certain amendments; which were read and concurred in; and the bill as amended was

*Ordered to be engrossed,*

Mr. Dodge from the select committee to which was referred the petition of sundry citizens of Whiteside county, in relation to State emlarassments; reported a bill for “An act to authorize Samuel M. Bowman to build a dam across Rock river, and for other purposes therein named;” which was read the first time, and

*Ordered to a second reading.*

Mr. Brown of Vermilion, from the select committee to which was referred the petition of the Society of Friends of Vermilion county; reported a bill for “An act to authorize Elizabeth Haworth, widow of Jonathan, deceased, late of Vermilion county, to execute a deed to the trustees of Vermilion, monthly meeting of Friends;” which was read the first and second time; and refused to be engrossed by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Beall, Bennett, Brown of Vermilion, Bussy, Canady, Charles, Denny, Emerson, Francis, Froman, Gridley, Henderson, Kelly, Lincoln, McLean, Munsell, Murphy of Perry, Olds, Phillips, Reynolds, Waters, and Mr. Speaker—23.

Those who voted in the negative, are,

Messrs. Bailey, Baldwin, Barnett, Bissell, Blackman, Bradford Brown of Sangamon, Carpenter, Cavarly, Courtright, Cox, Crain, Darnielle, Dodge, Dollins, Dougherty, Drummond, Dunlap, Edwards, English, Gillespie, Hankins, Hicks, Humphrey, Kitchell, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Odam, Ormsbee, Parkinson, Parsons, Peck, Shepley, Trumbull, Turney, Webb, Wheeler, White, Wilson, Woodson, and Wood—50.

Mr. Kelly offered for adoption the following resolution:

*“Resolved,* That the committee on Education be instructed to report a bill, distributing the State School Fund among the several counties, in proportion to the number of white inhabitants under twenty years of age as enumerated in the official returns of the census taken in the year 1840.

Mr. Hardin moved that the House adjourn; which was not agreed to by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Beall, Dougherty, Gillespie, Gridley, Hardin, Henderson, Lincoln, McLean, Minshall, Peck, Phillips, Webb, Wood, and Mr. Speaker—14.

Those voting in the negative, are,

Messrs. Archer, Bailey, Baldwin, Barnett, Bennett, Bentley, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Bussy, Canaday, Carpenter, Cavarly, Charles, Courtright, Cox, Crain, Darnielle, Dennison, Dodge, Dollins, Drummond, Dunlap, Edwards, Emmerson, English, Francis, Froman, Hankins, Hicks, Humphrey, Kelly, Kitchell, Leary, Lester, Logan, McClurken, McDonald, McGinnis, Marshall, Munsell, Murphy, Perry, Olds, Ormsbee, Parkinson, Parsons, Reynolds, Shepley, Trumbull, Turney, Wheeler, White, Wilson, and Woodson—56.

When,

On motion,

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Senate bill for “An act to amend an act entitled ‘An act, concerning justices of the peace and constables;’ approved February 3, 1827;” was read the third time, and

On motion of Mr. Dodge,

Referred to the committee on the Judiciary.

Senate bill for “An act in relation to pedlars;” was read the third time.

Mr. Marshall moved to amend the bill by striking out all after the enacting clause, and insert the following, viz:

**SEC. 1.** *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That hereafter all venders of dry goods, hardware or groceries, and all resident pedlars, individual bankers and money lenders shall be required to keep a correct account of the various kinds of goods received for sale, and the amount of money loaned by them during each year, commencing on the first day of March next. The amount to be returned by them to the assessor of their respective districts in each month of March thereafter.



SEC. 2. *Be it further enacted*, That one justice of the peace in each district of the several counties in this State, shall be the assessors of all taxable property in said district, to be chosen by the county commissioners court at their March term in each year; said justice of the peace, acting as assessor, shall be required to attend at some suitable place in each district, on or before the 15th day of every month of May, for the purpose of receiving the list of taxable property in his district; the said justice shall be required to give 15 days notice of the time and place of taking the assessment of taxable property by written advertisements, to be posted in three of the most public places in the district.

SEC. 3. *Be it further enacted*, That it shall be the duty of said justice of the peace to take the assessment of any individuals property when called upon at any time previous to the 1st day of May, and it shall be lawful for any justice of the peace to take the assessment when desired by any person in his district, and transmit the same to the assessing justice before the return day. The assessment of taxable property shall be made at a fair valuation, and if deemed necessary by the justice assessing, the owner of said property shall be required to give the amount taxable under oath.

SEC. 4. *Be it further enacted*, That it shall be the duty of each assessing justice to keep a correct list of all within his district, who may fail or neglect to have their property assessed at or before the time appointed for such assessment, or who may have been discovered to have given an incorrect return of the same. Each and every person so failing to make true return of the amount of his taxable property as before required, shall be compelled to pay a double tax on the assessment which shall be made by said assessor.

SEC. 5. *Be it further enacted*, That the sum of two dollars per day shall be allowed to the assessing justice for each day while employed in making the assessment, to be approved by the county commissioners' court.

SEC. 6. *Be it further enacted*, That all laws and parts of laws coming in conflict with the provisions of this act, shall be, and are hereby repealed; which proposed amendment,

On motion of Mr. Charles,

Was laid on the table.

Engrossed bill for "An act to prevent the unlawful driving away of cattle and other stock, by drovers and others," was read the third time,

On motion of Mr. Cavarly,

The first section of the bill was amended by inserting the words "before said justice of the peace of the proper county."

Mr. Bailey moved to amend by striking out the word "five" before "and inserting "fifteen;" which was not agreed to.

Mr. Olds moved to amend the bill by adding the following:

"Unless it can be shown that such drover or person has used all due diligence to prevent such stock following;" which was not agreed to.

Mr. Murphy of Cook, moved to amend by adding the following:

*Provided*, That if the drover shall give notice at the first house he comes to, after he has travelled a distance of five miles, that such stock has been amongst his, against his consent, then he shall not be subject to the penalties of this bill;" which,

On motion of Mr. Lester,

Was laid on the table.

Mr. Gridley moved to amend the bill by striking out "five" before the word "miles" and insert "eight;" which proposed amendment,

On motion of Mr. Turney,

Was laid on the table.

Mr. Brown of Vermilion moved to amend by adding the following:

"*Provided* the same can be done without a breach of the peace;" which,

On motion of Mr. Dollins,

Was laid on the table.

Mr. Olds moved to amend by adding the following:

"*Provided*, That if the drover shall leave such stock in the next enclosure he comes to, or drives them no further than the next night's stopping place, he shall not be subject to the penalties of this bill;" which,

On motion of Mr. Shepley,

Was laid on the table.

Mr. Henderson moved to amend by adding the following:

"*Provided* it be an inhabited road; but where the road passes through an uninhabited country, then within the distance of eight miles as aforesaid;" which,

On motion of Mr. Bentley,

Was laid on the table; when,

On motion of Mr. Leary,

The bill was referred to a select committee.

*Ordered*, That Messrs. Leary, Dollins, Gridley, Dougherty, and Olds, be said committee;

Mr. Leary from the committee on Engrossed and Enrolled Bills; reported as correctly enrolled bills of the following titles:

"An act making compensation to the persons therein named;"

"An act declaring the town of Benton the permanent seat of justice for the county of Franklin;"

"An act to extend the time for taking the enumeration of the inhabitants of this State;"

Also as correctly engrossed bills for

"An act to change the name of a person therein named;" and

"An act to legalize the acts of the commissioners of Jasper county;"

The bill for "An act to vacate the plat of the town of Greensburg;" was read the second time, and

*Ordered* to be engrossed.

A bill for "An act for the relief of the creditors of the late William Wernwag;" was read the second time, and

*Ordered* to be engrossed.

Engrossed bill for "An act for the location of a State road in the counties of Hamilton, Franklin, and Perry;" was read the third time, and

On motion of Mr. Carpenter,

Amended by striking out the name of "John W. Marshall," and inserting "Greenberry W. Moore;" and the bill as amended passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. White, on leave, introduced a bill for "An act, to authorize the

county commissioners of Christian county to borrow money;" which was read the first and second time, and

*Ordered* to be engrossed.

Senate resolution providing for the appointment of a joint select committee to prepare and report a bill for the apportionment of Representation in the Legislature of this State; was read, and

On motion of Mr. Carpenter,

Amended by striking out "two on the part of the Senate, and three on the part of the House of Representatives," and inserting "one on the part of the Senate, and two on the part of the House of Representatives;" when the resolution as amended, was concurred in.

*Ordered*, That the Clerk inform the Senate thereof, and ask their concurrence in said amendment.

Senate resolutions in relation to the Independent Treasury act, and United States Bank; were read and concurred in by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Barnett, Bentley, Bissell, Blackman, Bussy, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, Dunlap, English, Hankins, Hicks, Humphrey, Kelly, Kitchell, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Ormsbee, Parsons, Peck, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—44.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Darnielle, Denny, Drummond, Edwards, Emmerson, Francis, Gillespie, Gridley, Hardin, Henderson, Lincoln, McLean, Minshall, Munsell, Parkinson, Phillips, Reynolds, Troy, Waters, Webb, and Woodson—31.

A bill for "An act to locate a State road from McLeansborough to Shawneetown;" was read the second time, and referred to the committee on State Roads.

A bill for "An act concerning roads;" was read the second time, and referred to the committee on the Judiciary; when,

On motion,

The House adjourned.

## THURSDAY, DECEMBER 31, 1840.

House met pursuant to adjournment.

A message from the Senate, by Mr. Stapp, a Senator:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives, that they have passed bills of the following titles, viz:

A bill for "An act authorizing an additional justice of the peace, and constable in the town of Florence, in Pike county;"

"An act to define the bounds of Boone county."

In which they ask the concurrence of the House of Representatives.

They have concurred with the House of Representatives in their amendments to bills of the following titles, viz:

A bill for "An act to incorporate the Benton Academy, in Franklin county."

A bill for "An act making school commissioners elective by the people;"

A bill for "An act to legalize the assessment of property in the county of Pcoria, and other counties for the year 1840."

The Senate have refused to concur with the House of Representatives in their amendments to a bill for "An act to charter a Female Academy in Marion county."

The Senate have also adopted the following resolution:

*Resolved by the General Assembly, That the Auditor of Public Accounts, be, and he is hereby directed, not to issue his warrant on the Treasury, in pursuance of an act making appropriations for a library for the use of the Legislature, and Supreme Court, approved February 22d, 1839, until the end of the present session of the General Assembly.*

In the passage of which resolution they ask the concurrence of the House of Representatives.

On motion of Mr. Kelly,

The rule of the House was dispensed with, and the Senate bill for "An act to repeal an act, entitled, 'An act making an appropriation for a library for the use of the Legislature and Supreme Court;' and also to repeal an act allowing a premium on wolf scalps;" which was read the first and second times by its title, when

Mr. Carpenter moved to amend the same by striking out the second section, which proposed to repeal the law allowing a premium on wolf scalps.

Mr. Parkinson moved to lay the motion to amend on the table; which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Beall, Bennett, Bissell, Charles, Cox, Denny, Edwards, Emmer-son, Francis, Gillespie, Moore, Murphy of Perry, Odam, Parkinson, Troy, Trumbull, Webb, Woodson, and Mr. Speaker—19.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Baldwin, Barnett, Bentley, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Bussy, Canady, Carpenter, Cav-arly, Courtright, Crain, Darnielle, Dodge, Dollins, Dougherty, Drummond, Dunlap, English, Froman, Gridley, Henderson, Hicks, Hull, Hum-phrey, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Munsell, Olds, Parsons, Peck, Phillips, Reynolds, Shepley, Thornton, Turney, Waters, White, Wilson, and Wood—52.

Mr. Webb moved to strike out the enacting clause of the bill; which motion,

On motion of Mr. English,

Was laid on the table.

Mr. Dougherty moved to re-consider the vote on laying the motion to strike out the enacting clause of the bill on the table; which was not agreed to.

Mr. Webb moved to lay the bill on the table; which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bissell, Bradford, Brown of

Sangamon, Brown of Vermilion, Canady, Charles, Denny, Dodge, Dougherty, Drummond, Edwards, Francis, Froman, Gridley, Hardin, Hull, Kitchell, Leary, Lincoln, McClernand, McLean, Minshall, Munsell, Peck, Phillips, Reynolds, Thornton, Troy, Trumbull, Webb, Woodson, and Wood—36.

Those who voted in the negative, are,

Messrs. Baldwin, Barnett, Bentley, Blackman, Bussy, Carpenter, Cavarly, Courtright, Cox, Crain, Darnielle, Dollins, Dunlap, Emmerson, English, Gillespie, Henderson, Hicks, Humphrey, Kelly, Laughlin, Lester, Logan, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Perry, Odam, Olds, Ormsbee, Parkinson, Parsons, Shepley, Turney, Waters, Wheeler, White, Wilson, and Mr. Speaker—41.

And the question being on the motion to strike out the second section of the bill,

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Barnett, Bentley, Blackman, Bradford, Brown of Sangamon, Bussy, Carpenter, Cavarly, Courtright, Crain, Darnielle, Denny, Dodge, Dollins, Drummond, Dunlap, English, Gridley, Henderson, Hicks, Hull, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Lincoln, Logan, McClernand, McClurken, McDonald, McLean, Marshall, Minshall, Munsell, Murphy of Perry, Olds, Ormsbee, Parsons, Peck, Reynolds, Shepley, Thornton, Turney, Waters, Wheeler, White, Wilson, Woodson, and Mr. Speaker—53.

Those who voted in the negative, are,

Messrs. Baldwin, Beall, Bennett, Bissell, Brown of Vermilion, Canady, Charles, Cox, Dollins, Dougherty, Edwards, Emmerson, Francis, Froman, Gillespie, Hardin, McGinnis, Moore, Odam, Parkinson, Phillips, Troy, Trumbull, Webb, and Wood—25.

When,

On motion of Mr. Hardin,

The bill was referred to the committee on the Judiciary.

On motion of Mr. Dollins,

The rule of the House was dispensed with and the resolution from the Senate directing the Auditor not to issue a warrant on an appropriation for a library, was taken up for consideration, and

Mr. Archer moved to refer the same to the committee on the Judiciary; which was not agreed to;

When the Senate resolution was concurred in.

*Ordered*, That the Clerk inform the Senate thereof; when

The House adjourned until 2 o'clock.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Trumbull, on leave, from the committee on the Judiciary, to which was referred the bill for "An act to change the time of holding courts in

the second Judicial circuit;" reported the same back to the House with an amendment as a substitute for the original bill; which was read and concurred in, and the bill as amended,

*Ordered* to be engrossed.

Mr. McClernand, from the committee on Canals and Canal Lands, to which was referred the petition of James McKee, reported the same back to the House, and was discharged from the further consideration of the same.

On motion of Mr. Wheeler,

The resolutions some days since offered by him, together with the amendments thereto, offered by Mr. Ormsbee, in relation to a United States Bank, and the Sub-Treasury, were taken up for consideration.

Mr. Shepley demanded a call of the House, and pending the call,

The Speaker laid before the House communications from the President of the State Bank of Illinois, and the President of the Bank of Illinois, in answer to calls of the House for information; which were read, and,

On motion of Mr. McClernand,

Referred to the committee on Banks and other Corporations.

The Speaker laid also before the House a communication from the Secretary of State, in relation to the distribution of the laws; which was read, and

On motion of Mr. English,

Referred to the committee on the Judiciary.

The Door-keeper having reported under the call of the House, the consideration of Mr. Wheeler's resolutions, and the proposed amendment thereto, was resumed.

Mr. Henderson moved to amend the amendment by striking out all after the word "that," and inserting as follows:

"We have entire confidence in the capacity of the people of the United States for self-government.

*Resolved*, That the recent defeat of Mr. Van Buren, by a majority of more than one hundred and fifty thousand freemen, aided as he was by the immense patronage of the Government, affords an unerring indication of their desire to abandon the monarchical financial experiments of Martin Van Buren, with all their rich fruits of low prices and low wages, and to return to the good old republican usages adopted by Washington and the other patriots of the revolution, and continued and approved by all the Republican Presidents.

*Resolved*, That in a Republican Government the people are sovereign and have the right to decide all great political questions, and that to call in question the correctness of their decision, when so solemnly expressed at the polls, or to impugn the purity of their motives, is an insult to the intelligence and virtue of the people, and a virtual denial of the fundamental principles of Republics.

*Resolved*, That as Republicans, believing in the ability of the people to govern themselves, we acquiesce in the sentence of condemnation passed by the people at the late election of President, upon Mr. Van Buren, with his Sub-Treasury and standing army projects.

*Resolved*, That the active and untiring efforts of Mr. Van Buren's trained band of Federal officers, to defeat the will of the people at the late Presi-

dential election, has inscribed upon the list of President Harrison's Executive duties, in characters too legible to be misunderstood, the task of reform, particularly of those abuses which have recently brought the patronage of the Government into conflict with the elective franchise."

Mr. Cavarly moved to lay the proposed amendments on the table.

Mr. Lincoln demanded a division of the question, so as to take the vote first on the proposed amendment to the amendment.

And the question being put on laying the amendment offered by Mr. Henderson, on the table,

It was decided in the affirmative, by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Barnett, Bentley, Blackman, Bussy, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, Dunlap, English, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Ormsbee, Parsons, Peck, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood and Mr. Speaker—42.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Darnielle, Denny, Drummond, Edwards, Emmerson, Francis, Froman, Gillespie, Gridley, Hardin, Henderson, Hull, Lincoln, McLean, Minshall, Munsell, Parkinson, Phillips, Reynolds, Thornton, Troy, Waters, Webb, and Woodson—34.

And the question recurring on laying the amendment proposed by Mr. Ormsbee on the table,

The mover withdrew the amendment.

And after discussion, and without taking the vote on the original resolutions,

The House adjourned.

## FRIDAY, JANUARY 1, 1841.

House met pursuant to adjournment.

Mr. Crain from the committee on Engrossed Bills, reported as correctly engrossed, bills of the following titles:

"An act for the relief of the heirs of Daniel Barrow, deceased;"

"An act to provide for reviewing certain State roads;"

"An act for the relief of the creditors of the late William Wernwag;"

"An act to authorize the county commissioners of Christian county to borrow money;"

"An act to vacate the plat of the town of Shrewsbury;"

"An act extending the duties of Notaries Public;"

"An act for the benefit of the persons therein named;"

"An act to incorporate the Pisgah Academy."

Mr. Barnett presented the petitions of sundry citizens of Macon and De Witt counties; which, without reading, on his motion, were referred to the committee on Counties.

Mr. Barnett also presented the petition of citizens of Macon county; which, without reading, on his motion, was referred to the committee on State Roads.

Mr. Archer presented the petition of Charles McNary and others; which, without reading, on his motion, were referred to the committee on State Roads.

Mr. Murphy of Cook, presented the petition of sundry citizens of La Salle and Will counties; which, without reading, on his motion, was referred to the committee on Counties.

Mr. Parsons presented the petition of sundry citizens of Pike county; which, without reading, on his motion, was referred to the committee on Counties.

Mr. Denny presented the petition of Messrs. Finch and Hubbuck; which, without reading, on his motion, was referred to the committee on Claims.

Mr. Peck presented the petition of inhabitants of the Northern part of the State, praying for a turnpike road; which, without reading, on his motion, was referred to the committee on State Roads.

Mr. Gridley presented the petition of citizens of McLean county, in relation to a road therein named; which, without reading, on his motion, was referred to the committee on State Roads.

The bill for "An act to amend an act, entitled 'An act, to regulate tavern and grocery licenses,'" coming up for consideration, together with the proposed amendments thereto,

Mr. Peck demanded a call of the House; and pending the call,

Mr. Ormsbee offered for adoption the following resolution:

*"Resolved by the House of Representatives, the Senate concurring herein,* That the Secretary of State be authorized and required to revise all the laws of this State of a general nature, including those enacted at this session of the Legislature, and properly arrange the same, and have six thousand copies thereof published, and bound in one volume for the use of the State, with marginal notes and an index."

*Resolved further,* That the Secretary of State have the privilege of publishing on his own account, and at his own expense as many extra copies of said laws for sale as he may prefer.

*Resolved also,* That any and all resolutions heretofore adopted, authorizing and requiring the appointment of a joint select or any other committee, for the purpose of revising and amending said laws for the favorable or unfavorable consideration of the next Legislature be hereby revoked.

Mr. Turney moved to refer the above resolution to the committee on the Judiciary; and before the vote was taken on said motion, the Doorkeeper reported under the call of the House.

And the consideration of the license bill was again resumed; and

Mr. Shepley moved to lay the amendment to the amendment on the table; which was agreed to by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Bailey, Baldwin, Barnett, Bissell, Blackman, Bradford, Brown, f Vermilion, Bussy, Canady, Carpenter, Courtright, Cox, Crain, Dodge, Collins, Dougherty, Drummond, Francis, Froman, Gillespie, Hardin, Iicks, Hull, Leary, Lester, Lincoln, Logan, McClernand, McDonald, McGinnis, Marshall, Minshall, Moore, Murphy of Cook, Murphy of Perry, Ormsbee, Parkinson, Parsons, Peck, Shepley, Thornton, Trumbull, Webb, White, Woodson, and Wood—46.



Those who voted in the negative, are,  
Messrs. Archer, Beall, Bennett, Bentley, Cavarly, Charles, Darnielle, Denny, Dunlap, Edwards, Emmerson, English, Gridley, Henderson, Kelly, Kitchell, Laughlin, McLean, Munsell, Odam, Olds, Phelps, Phillips, Reynolds, Poss, Troy, Turney, Waters, West, Wheeler, Wilson, and Mr. Speaker—32.

And the question being on the amendment proposed by Mr. Hicks, after discussion thereon, and before the vote was taken,

The House adjourned.

### SATURDAY, JANUARY 2, 1841.

House met pursuant to adjournment.

Mr. Trumbull from the committee on Engrossed Bills, reported as correctly engrossed, a bill for "An act to change the time of holding courts in the second judicial circuit."

And on his motion, the rules of the House were dispensed with, and the bill was now read the third time; and

Mr. Bissell moved to amend the bill by striking out all after the words "county of Washington" in the first section, and insert the following:

"On the Thursdays after the second Mondays of March and September; in the county of Randolph on the third Mondays of March and September; in the county of Monroe on the fourth Mondays of March and September; in the county of St. Clair on the fifth Monday of March 1841, and forever after on the first Mondays of April and October; in the county of Madison on the third Mondays of April and October;" which was not agreed to, when the bill was passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Gridley presented the petition of sundry citizens of McLean and Livingston counties; which, without reading, on his motion, was referred to the committee on State Roads.

The bill for "An act to amend an act, entitled 'An act, to regulate tavern and grocery licenses,'" coming up for consideration,

Mr. Trumbull moved to lay the amendment proposed by Mr. Hicks on the table.

Mr. Hicks demanded a call of the House; and pending a call of the House,

On motion of Mr. Ormsbee,

The reports of the Commissioners of the State House were taken up, and referred to the committee on Public Accounts and Expenditures.

Mr. Gridley, on leave, introduced a bill for "An act to provide for draining mill dams on the Mackinaw creek;" which was read the first and second time by its title, and referred to the committee on the Judiciary; when,

On motion of Mr. Leary,

Further proceedings under the call of the House were dispensed with, and the House resumed the consideration of the license bill.

And the question being on laying the proposed amendment on the table, It was decided in the affirmative, by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Baldwin, Barnett, Beall, Bennett, Bissell, Bradford, Brown of Vermilion, Bussy, Canady, Carpenter, Cavarly, Charles, Courtright, Cox, Darnielle, Denny, Dougherty, Drummond, Dunlap, Emmerson, English, Francis, Froman, Gridley, Hardin, Henderson, Hull, Kelly, Leary, Logan, McClurken, McDonald, McGinnis, McLean, Marshall, Moore, Munsell, Odam, Olds, Parkinson, Parsons, Phelps, Phillips, Reynolds, Ross, Thornton, Troy, Trumbull, Turney, Waters, West, White, Wilson, and Woodson—56.

Those who voted in the negative, are,

Messrs. Blackman, Crain, Dollins, Hankins, Hicks, Kitchell, Laughlin, Lester, Marshall, Murphy of Cook, Ormsbee, Peck, Shepley, Webb, Wheeler, Wood and Mr. Speaker—17.

Mr. Logan demanded the previous question; which was not sustained.

Mr. Shepley moved to lay the bill on the table; which was not agreed to.

Mr. Turney moved to amend the third section of the bill by adding the following:

“And that all monies arising from licenses granted, and fines inflicted under the provisions of this act, shall be added to the township school fund, wherein such tipling house is established, and applied to the purposes of educating the poor children of such township.”

Mr. Peck moved to refer the bill and proposed amendments to the committee on Finance; which was not agreed to; when,

On motion of Mr. Hardin,

The proposed amendment was laid on the table, by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Bailey, Baldwin, Barnett, Beall, Bennett, Bentley, Blackman, Bradford, Brown of Vermilion, Bussy, Carpenter, Charles, Darnielle, Denny, Dougherty, Dunlap, Emmerson, Francis, Froman, Gridley, Hardin, Henderson, Hull, Leary, Logan, McClernand, McDonald, McGinnis, Marshall, Minshall, Moore, Odam, Parkinson, Phelps, Phillips, Reynolds, Thornton, Troy, Trumbull, Webb, West, Wilsor, and Wood—43.

Those who voted in the negative, are,

Messrs. Archer, Bissell, Cavarly, Courtright, Cox, Crain, Dollins, Drummond, English, Hankins, Hicks, Kelly, Kitchell, Laughlin, Lester, McLean, Munsell, Murphy of Cook, Murphy of Perry, Olds, Ormsbee, Parsons, Peck, Ross, Shepley, Turney, Waters, Wheeler, Woodson, and Mr. Speaker—30.

Mr. Phelps moved to strike out all after the enacting clause of the bill, and insert as follows:

“SEC. —. That if any person shall hereafter sell or retail spirituous liquors in less quantity than one gallon, without having first obtained license as provided in an act regulating tavern and grocery licenses, passed on the second day of March, 1839, shall for each offence forfeit and pay into the county treasury the sum of twenty dollars, to be recovered before any justice of the peace of the proper county;” which,

On motion of Mr. Ormsbee,

Was laid on the table.

Mr. Dollins moved to amend the bill by adding the following as an additional section:

"SEC. —. It shall hereafter be the duty of the county commissioners' courts to grant license to any applicant who may desire to keep a grocery, by said applicant or applicants paying into the county treasury of the proper county, for the privilege granted, a sum not exceeding three hundred dollars, nor less than five dollars, in the discretion of the court, upon said applicant executing bond in the penalty of two hundred dollars, with one or more securities, to be approved of by the court, conditioned that the applicant will keep an orderly house, and that he will not permit any unlawful gaming or riotous conduct in his house during the pendency of said license;" which,

On motion of Mr. Charles,

Was laid on the table by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Barnett, Beall, Bennett, Bentley, Bissell, Bradford, Brown of Vermilion, Bussy, Canady, Cavarly, Charles, Cox, Darnielle, Denny, Dougherty, Drummond, Dunlap, Emmerson, English, Francis, Froman, Gridley, Hardin, Henderson, Hull, Kelly, McClurken, McDonald, McGinnis, McLean, Minshall, Moore, Munsell, Murphy of Perry, Olds, Parkinson, Phelps, Phillips, Reynolds, Ross, Thornton, Troy, Trumbull, Turney, Waters, Webb, West, Wilson, and Woodson—51.

Those who voted in the negative, are,

Messrs. Baldwin, Blackman, Carpenter, Courtright, Crain, Dollins, Hankins, Hicks, Kitchell, Laughlin, Leary, Lester, Logan, McClelland, Marshall, Murphy of Cook, Odam, Ormsbee, Parsons, Peck, Shepley, Wheeler, White, Wood, and Mr. Speaker—25.

Mr. Trumbull demanded the previous question.

And on the question—"Shall the main question be now put?"

It was decided in the affirmative.

Mr. Ormsbee demanded a call of the House, which having continued for some time,

On motion of Mr. Charles,

Further proceedings under the call were dispensed with.

And the question recurring on the passage of the bill,

It was decided in the affirmative, by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Bailey, Baldwin, Barnett, Bennett, Bissell, Blackman, Brown of Vermilion, Bussy, Canady, Carpenter, Charles, Courtright, Cox, Denny, Dougherty, Drummond, Dunlap, Francis, Froman, Hardin, Henderson, Hull, Laughlin, Logan, McDonald, McGinnis, Marshall, Minshall, Moore, Munsell, Murphy of Perry, Parkinson, Reynolds, Ross, Thornton, Troy, Trumbull, Webb, West, and Woodson—40.

Those who voted in the negative, are,

Messrs. Archer, Beall, Bentley, Bradford, Cavarly, Crain, Darnielle, Dollins, Emmerson, English, Gridley, Hankins, Hicks, Kelly, Kitchell, Leary, Lester, McClelland, McClurken, McLean, Murphy of Cook, Odam, Olds, Ormsbee, Parsons, Peck, Phelps, Phillips, Shepley, Turney, Waters, Wheeler, White, Wilson, Wood, and Mr. Speaker—36.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence in the passage of the bill.

Mr. Dougherty from the committee on the Judiciary, to which was referred the bill for "An act to establish the court of probate;" reported the same back to the House with an amendment as a substitute; when,

On motion of Mr. Henderson,

The bill and report were laid on the table; and

The Speaker laid before the House a communication from the Governor; which, with accompanying documents, was read, and

On motion of Mr. Henderson,

The following resolution in relation thereto, was adopted.

*"Resolved by the House of Representatives, the Senate concurring herein,* That the message of his Excellency, the Governor, just received communicating to this House, the report of General William F. Thornton, relating to his sale of Canal Bonds, together with the letters of Messrs. Magniac Smiths & Co., of London, and Messrs. Nevins, Townsend & Co., of New York, to said Thornton, be referred to a joint select committee of both Houses, to consist of five members on the part of the House, and three on the part of the Senate, and that said committee examine into the whole transaction, and report as soon as practicable to both Houses, whether the negotiation made by the said Wm. F. Thornton was made in conformity with law, and what further proceedings, if any, are necessary relating to the security of the State Bonds, sold and unsold, both in Europe and America."

*Ordered*, That Messrs. Henderson, McClelland, Brown of Vermilion, Kitchell and McLean be the committee on the part of the House, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Henderson also offered for adoption the following resolution:

*"Resolved*, That the Public Printer furnish this House with one thousand copies of Wm. F. Thornton's report, on the subject of his negotiating a loan for canal purposes;" which,

On motion of Mr. Ormsbee,

Was laid on the table.

Mr. Leary moved to print one thousand copies of the report of the canal commissioners.

Mr. Turney moved the printing of one hundred and fifty copies.

Mr. Minshall moved to lay the motion to print on the table.

Mr. Murphy of Cook, moved that the House adjourn; which was not agreed to, by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Barnett, Beall, Bentley, Carpenter, Dougherty, Dunlap, Francis, Hankins, Hardin, Hicks, Kelly, Leary, Lincoln, Logan, McClelland, McDonald, McGinnis, McLean, Marshall, Minshall, Murphy of Cook, Olam, Peck, Reynolds, Ross, Webb, West, Wheeler, Wood and Mr. Speaker—30.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Baldwin, Blackman, Bradford, Brown of Vermilion, Bussy, Canady, Cavarly, Charles, Courtright, Cox, Crain, Darnielle, Denny, Dollins, Drummond, English, Froman, Gridley, Henderson, Hull,

Kitchell, Laughlin, Lester, McClurken, Moore, Munsell, Murphy of Perry, Olds, Ormsbee, Parkinson, Parsons, Phelps, Thornton, Troy, Trumbull, Turney, White, Wilson, and Woodson—41.

Mr. Trumbull moved that the House adjourn until 2 o'clock, P. M.; which was not agreed to.

Mr. Dougherty moved that the House adjourn, which was decided in the affirmative by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Barnett, Beall, Bentley, Brown of Vermilion, Dougherty, Dunlap, English, Francis, Hankins, Hardin, Henderson, Hicks, Hull, Kelly, Leary, Lincoln, Logan, McClernand, McDonald, McGinnis, McLean, Marshall, Minshall, Murphy of Cook, Odam, Parsons, Peck, Phillips, Reynolds, Ross, Shepley, Thornton, Webb, Wheeler, White, Wood, and Mr. Speaker—37.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Baldwin, Blackman, Bradford, Bussy, Canady, Carpenter, Cavarly, Charles, Courtright, Cox, Crain, Darnielle, Denny, Dollins, Drummond, Froman, Gridley, Kitchell, Laughlin, Lester, McClurken, Moore, Munsell, Murphy of Perry, Olds, Ormsbee, Parkinson, Phelps, Troy, Trumbull, Turney, West, Wilson, and Woodson—36.

The House adjourned.

## MONDAY, JANUARY 4, 1841.

House met pursuant to adjournment.

Mr. Dodge presented the remonstrance of citizens of Kane county, against a division of said county; which, without reading, on his motion, was referred to the same select committee, to which was referred petitions on same subject.

Mr. Leary presented the petition of sundry citizens of Cook and Will counties, asking for the erection of a new county; which, without reading, on his motion, was referred to the committee on Counties.

Mr. Leary from the committee on Engrossed Bills, reported as correctly engrossed a bill for "An act, to incorporate the town of Galesburg in Knox county."

Also, as correctly enrolled a bill for "An act, authorizing the erection of a bridge across Saline river."

Mr. Dougherty presented the petition of citizens of Alexander county; which, without reading, on his motion, was referred to a select committee.

*Ordered*, That Messrs. Dougherty, Menard and Oliver be said committee.

Mr. Parsons presented the petition of sundry citizens of Pike county; which, without reading, on his motion, was referred to the committee on Counties.

Mr. McClernand presented the petition of citizens of Gallatin county; which, without reading, on his motion, was referred to the committee on Canals and Canal Lands.

Mr. Bissell presented the petition of Sarah Johnson for a divorce;

which, without reading, on his motion, was referred to a select committee.

*Ordered*, That Messrs. Bissell, Barnett, and McGinnis be said committee.

Mr. Munsell presented the petition of sundry citizens of Edgar county, in relation to groceries; which, without reading, on his motion, was referred to the committee on Finance.

Mr. Odam presented the petition of citizens of the town of Marion; which, without reading, on his motion, was referred to a select committee.

*Ordered*, That Messrs. Odam, Phillips, and White be said committee.

Mr. Drummond presented the remonstrance of citizens of Rock Island county, against the change of name of the town of Stephenson; which, without reading, on his motion, was referred to the same select committee to which was referred petitions on the same subject.

Mr. Brown of Vermilion, moved to take up for consideration, the petition of sundry citizens of Vermilion county, in relation to the collection of the revenue; which was agreed to.

And on his motion, the same was referred to a select committee.

*Ordered*, That Messrs. Brown of Vermilion, Archer and Webb be said committee.

The question pending when the House adjourned on Saturday last, on the motion of Mr. Minshall, to lay the motion to print the report of the canal commissioners on the table, recurring,

It was decided in the negative.

And the question recurring on the motion to print 1000 copies of the report of the canal commissioners, it was agreed to.

Mr. Murphy of Cook, from the committee on Banks and other Corporations, to which was referred a resolution instructing said committee to enquire into the expediency of increasing the banking capital of this State, made a report thereon, which, being read,

Mr. Bissell moved to lay the report on the table, and that 500 copies thereof be printed.

Mr. Dougherty moved the printing of one hundred copies; and the report being laid on the table,

Mr. Crain moved the printing of one thousand copies.

Mr. Minshall moved to amend the motion to print by adding one thousand copies of the reports of the select committee, appointed to enquire into the expediency of memorialising Congress to distribute the proceeds of the sales of the public lands among the States.

Which motion to amend, the Speaker decided to be out of order; and

Mr. Minshall having taken an appeal to the House from the decision of the Speaker,

The question was put, "Shall the decision of the chair stand as the judgment of the House?"

It was decided in the affirmative by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Bailey, Baldwin, Barnett, Beall, Bentley, Bissell, Blackman, Brown of Vermilion, Bussy, Carpenter, Courtright, Crain, Denny, Dodge, Dollins, Dougherty, Dunlap, English, Hankins, Henderson, Hicks, Hull, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurken,

McDonald, McGinnis, McLean, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parkinson, Parsons, Peck, Phillips, Prentice, Reynolds, Ross, Shepley, Troy, Trumbull, Turney, Waters, West, Wheeler, White, Wilson, and Wood—58.

Those who voted in the negative, are,

Messrs. Archer, Bennett, Bradford, Brown of Sangamon, Canady, Charles, Cox, Drummond, Edwards, Emmerson, Froman, Gillespie, Minshall, Munsell, Phelps, Thornton, Webb, and Woodson—18.

So the proposed amendment was decided by the House to be out of order.

And the question being on printing one thousand copies of the report,

It was decided in the affirmative by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Barnett, Bissell, Blackman, Bussy, Carpenter, Cavarly, Courtright, Crain, Denny, Dodge, Dollins, Dunlap, English, Hankins, Hicks, Kelly, Kitchell, Laughlin, Leary, Lester, McClernand, McClurken, McDonald, McGinnis, Marshall, Murphy of Cook, Odam, Olds, Ormsbee, Parsons, Peck, Prentice, Ross, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—42.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bentley, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Dougherty, Drummond, Edwards, Emmerson, Froman, Gillespie, Gridley, Henderson, Hull, Logan, McLean, Menard, Minshall, Moore, Munsell, Murphy of Perry, Oliver, Parkinson, Phelps, Phillips, Reynolds, Thornton, Troy, Waters, Webb, West, and Woodson—38.

Mr. Archer from the committee on State Roads, to which was referred a resolution; reported

"That the committee have had the subject under consideration, and have directed me to report a bill, giving the whole management, jurisdiction, and control of all roads as well State roads as county roads, to the commissioners' courts of the several counties, and recommend that when the same shall become a law, it shall be published in pamphlet form, and a copy furnished to each supervisor in the State. The committee therefore report a bill for "An act concerning public roads;" which,

On motion of Mr. English,

Was read the first and second time by its title, and referred to the committee of the Whole House, and made the special order of the day for 2 o'clock, to-morrow, P. M.

Mr. Murphy of Cook, from the committee on Banks and other Corporations, to which was referred a bill for "An act, to incorporate the Union Manufacturing Company;" reported the same back to the House with an amendment, which was concurred in, and the bill as amended,

*Ordered* to be engrossed.

Mr. Cavarly from the committee on the Judiciary, to which was referred the Senate bill for "An act in relation to pedlars;" reported the same back to the House with amendments to the report of the Finance Committee; which were read and concurred in, and the bill as amended was

*Ordered* to a third reading, by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs Archer, Bailey, Baldwin, Beall, Bennet, Brown of Sangamon, Brown of Vermilion, Bussy, Canady, Carpenter, Cavarly, Charles, Courtright, Cox, Denny, Dodge, Dougherty, Drummond, Dunlap, Edwards, Emmerson, English, Froman, Gillespie, Gridley, Hull, Kelly, Laughlin, Leary, Logan, McClermand, McDonald, McLean, Moore, Munsell, Murphy of Perry, Odam, Olds, Parkinson, Peck, Phillips, Prentice, Reynolds, Ross, Thornton, Trumbull, Webb, West, Wilson, and Woodson—50.

Those who voted in the negative, are,

Messrs. Bentley, Bissell, Blackman, Crain, Dollins, Hankins, Henderson, Hicks, Kitchell, Lester, McClurken, Marshall, Menard, Minshall, Murphy of Cook, Oliver, Ormsbee, Parsons, Phelps, Shepley, Turney, Waters, Wheeler, White, Wood, and Mr. Speaker—26.

Mr. Webb moved that one thousand copies of the majority and minority reports from the select committee in relation to the distribution of proceeds of sales of public lands be printed for the use of the House; which was agreed to by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Baldwin, Barnett, Beall, Bennett, Bissell, Blackman, Brown of Vermilion, Bussy, Canady, Carpenter, Cavarly, Courtright, Crain, Denny, Dodge, Dollins, Dougherty, Drummond, Dunlap, Edwards, Emmerson, English, Froman, Gillespie, Gridley, Hankins, Henderson, Hicks, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClermand, McClurken, McDonald, Marshall, Minshall, Munsell, Murphy of Cook, Murphy of Perry, Odam, Ormsbee, Peck, Phelps, Phillips, Prentice, Reynolds, Shepley, Thornton, Trumbull, Turney, Webb, Wilson, and Mr. Speaker—58.

Those who voted in the negative, are,

Messrs. Bentley, Brown of Sangamon, Charles, Cox, Hull, McLean, Menard, Moore, Olds, Oliver, Parkinson, Parsons, Ross, Troy, Waters, West, Wheeler, White, Woodson, and Wood—20.

A message from the Senate, by Mr. Stapp, a Senator:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives, that they have passed bills of the following titles, viz:

“An act to amend an act entitled ‘An act to authorize Henry W. Cleveland, to build a bridge across the Winnebago swamp;’ approved February 19, 1839; and

“An act to amend an act, entitled ‘An act, to incorporate the town of Carmi;’ approved January 30, 1840.

In which they ask the concurrence of the House of Representatives.

They have also concurred with the House of Representatives in the passage of a bill for “An act to change the time of holding courts in the second judicial circuit.”

They have refused to concur with the House of Representatives in their amendments to a resolution, having for its object the appointment of three persons to revise the laws of this State, &c.

Mr. Bissell from the committee on Education, to which was referred a bill for “An act to incorporate the Marion Academy, in Williamson county;” reported the same back to the House with an amendment, which was concurred in, and the bill as amended was

*Ordered to be engrossed.*



Mr. Peck from the committee on Finance to which was referred a resolution in relation to the Finances of the State; reported the same back to the House, and asked to be discharged from the further consideration of the same.

Which was not agreed to, by yeas and nays as follows:

Those who voted in the affirmative. are.

Messrs. Baldwin, Barnett, Beall, Bentley, Bissell, Blackman, Bussy, Carpenter, Courtright, Dodge, Dollins, Dougherty, English, Hull, Kelly, Laughlin, Logan, McClernand, McClurken, Marshall, Menard, Moore, Murphy of Perry, Olds, Oliver, Parsons, Peck, Prentice, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—36.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Bennett, Brown of Sangamon, Brown of Vermilion, Canady, Cavarly, Charles, Cox, Crain, Denny, Drummond, Edwards, Emmerson, Froman, Gillespie, Gridley, Henderson, Hicks, Kitchell, Leary, Lester, McDonald, McLean, Minshall, Munsell, Odam, Ormsbee, Parkinson, Phelps, Phillips, Reynolds, Ross, Troy, Waters, Webb, West, and Woodson—38.

Mr. Cavarly from the committee on the Judiciary to which was referred a bill for "An act in relation to free negroes and mulattoes;" reported the same back to the House, and recommended its passage; whereupon, the bill was

*Ordered* to be engrossed.

Mr. Cavarly, also from the committee on the Judiciary, to which was referred a bill for "An act concerning roads;" reported the same back to the House, and moved its reference to the committee on State Roads; which was agreed to.

Mr. Cavarly, also from the committee on the Judiciary to which was referred the Senate bill for "An act to amend an act entitled 'An act concerning justices of the peace and constables;' approved February 3, 1827; reported the same back to the House, and recommended its rejection, and on

Ordering the bill to a third reading,

It was decided in the negative.

Mr. Peck from the committee on Finance, to which was referred the resolution in relation to the location of the Branch of Illinois Bank in the City of Springfield; reported the same back to the House, and was discharged from the further consideration of the same.

Mr. Peck from the committee on Finance, to which was referred the petition of citizens of Dixon, in Lee county; reported the same back to the House, and moved its reference to the committee on Claims; which was agreed to.

Mr. Peck, also from the committee on Finance, to which was referred a certain resolution; reported a bill for "An act, to repeal so much of the militia law, as allows a compensation to Brigade Majors;" which was read the first time, and

*Ordered* to a second reading.

Mr. Peck, also from the committee on the Judiciary, to which was referred the bill for "An act to provide for the safe keeping and delivery of the public monies;" reported the same back to the House; when the bill was

*Ordered* to be engrossed.

Mr. Dodge, on leave, introduced a bill for "An act to provide for the reorganization of the probate courts;" when,

On motion,

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

On motion of Mr. Dodge;

The rules of the House were dispensed with, and the bill for "An act to provide for the reorganization of the probate courts;" was taken up for consideration, and read the first time and the second time by its title, and referred to the committee on the Judiciary.

A message from the Senate, by Mr. Stapp, a Senator:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives, that they have adopted the following resolution, to wit:

*"Resolved by the Senate and House of Representatives*, That the two Houses of the General Assembly will meet in the Hall of the House of Representatives at 4 o'clock, P. M., the 9th of January, 1841, for the purpose of electing one Fund Commissioner."

In the passage of which they ask the concurrence of the House of Representatives.

House bill for "An act to vacate town plats;" was read the second time, and

*Ordered* to be engrossed.

House bill for "An act to extend the provisions of an act entitled 'An act, to provide for the dedication of lots in towns, situated on canal lands, to public purposes;" approved February 28, 1839; was read the second time, and

*Ordered* to be engrossed.

House bill for "An act to establish a ferry across the Illinois river;" was read the second time, and

On motion of Mr. Phelps,

Referred to the committee on State Roads.

House bill for "An act to authorize Samuel M. Bowman to build a dam across Rock river, and for other purposes therein named;" was read the second time, and

Referred to the committee on Internal Improvements.

House bill for "An act to authorize limited partnerships;" was read the second time by its title, and

Referred to the committee on the Judiciary.

Engrossed bill for "An act to change the name of a person therein named;" was read the third time, and

On motion of Mr. Parkinson,

Amended by inserting "E." after "Mary;" and passed as amended.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Engrossed bills of the following titles were severally read the third time and passed, to wit:

"An act to incorporate the Pisgah Academy;"

"An act to authorize the county commissioners of Christian county to borrow money;"

"An act extending the duties of notaries public;"

"An act to legalize the acts of commissioners of Jasper county;"

"An act to provide for reviewing certain State Roads."

*Ordered*, That the titles be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Engrossed bill for "An act to vacate the plat of the town of Shrewsbury;" was read the third time, and

On motion of Mr. Cavarly,

Laid on the table.

Engrossed bill for "An act, for the relief of the creditors of the late William Wernwag;" was read the time, and

On motion of Mr. Francis,

Referred to a select committee.

*Ordered*, That Messrs. Francis, Darnielle, and Troy be said committee.

Engrossed bill for "An act, for the relief of the heirs of Daniel Barrow, deceased;" was read the third time, and the question being on its passage,

It was decided in the negative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bissell, Courtright, Crain, Dodge, Dollins, Emmerson, Gridley, Kelly, Laughlin, Logan, McLean, Menard, Murphy of Perry, Oliver, Parsons, Reynolds, Waters, Wood, and Mr. Speaker—19.

Those voting in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Bussy, Canady, Cavarly, Charles, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Edwards, English, Francis, Froman, Hankins, Henderson, Hicks, Hull, Kitchell, Lester, McClernand, McClurken, McDonald, McGinnis, Marshall, Minshall, Moore, Munsell, Murphy of Cook, Odam, Olds, Parkinson, Peck, Phelps, Phillips, Prentice, Ross, Shepley, Thielkeld, Troy, Trumbull, Turney, Webb, West, Wheeler, White, Wilson, and Woodson—56.

Engrossed bill for "An act to incorporate the town of Galesburg;" was read the third time, and lost by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Baldwin, Beall, Charles, Cunningham, Denny, Francis, Gillespie, Gridley, Hull, Leary, Logan, McGinnis, McLean, Menard, Minshall, Odam, Olds, Phelps, Ross, Thornton, Webb, Wood—24.

Those who voted in the negative, are,

Messrs. Bentley, Bissell, Blackman, Bradford, Brown of Vermilion, Brown of Sangamon, Bussy, Canady, Cavarly, Courtright, Cox, Crain, Dodge, Dollins, Dougherty, Dunlap, Edwards, Emmerson, English, Froman, Hankins, Henderson, Hicks, Kelly, Kitchell, Laughlin, Lester, McClernand, McClurken, McDonald, Marshall, Moore, Munsell, Murphy of Perry, Oliver, Ormsbee, Parkinson, Parsons, Phillips, Prentice, Reynolds, Shepley, Threlkeld, Troy, Trumbull, Turney, Waters, West, Wheeler, White, Wilson, Woodson, and Mr. Speaker—53.

On motion of Mr. Henderson,

The House reconsidered its vote just taken on the passage of the bill.

Mr. Dodge demanded a call of the House; which having continued for a short time.

On motion of Mr. Logan,

Further proceedings under the call were dispensed with.

And the question recurring on the passage of the bill,

It was decided in the negative by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Baldwin, Beall, Bennett, Bradford, Brown of Vermilion, Bussy, Charles, Cunningham, Denny, Dodge, Dougherty, Drummond, Francis, Gillespie, Gridley, Henderson, Hull, Kelly, Leary, Logan, McClernand, McGinnis, McLean, Menard, Minshall, Munsell, Odam, Parkinson, Peck, Phelps, Ross, Thornton, Troy, Waters, Webb, White, Woodson, Wood, and Mr. Speaker—41.

Those who voted in the negative, are,

Messrs. Barnett, Bentley, Bissell, Blackman, Brown of Sangamon, Canady, Carpenter, Cavarly, Courtright, Cox, Crain, Darnielle, Dollins, Dunlap, Edwards, Emmerson, English, Froman, Hankins, Hicks, Kitchell, Laughlin, Lester, McClurken, McDonald, Marshall, Moore, Murphy of Perry, Olds, Oliver, Ormsbee, Parsons, Phillips, Prentice, Reynolds, Shepley, Threlkeld, Trumbull, Turney, West, Wheeler, and Wilson—42.

Engrossed bill for "An act, for the benefit of the persons therein named;" was read the third time, and

On motion of Mr. Dougherty,

Referred to the committee on the Judiciary; when,

On motion,

The House adjourned.

## TUESDAY, JANUARY 5, 1841.

House met pursuant to adjournment.

On motion of Mr. Threlkeld,

The vote of yesterday on the passage of the bill for "An act to incorporate the town of Galesburg, in Knox county," was re-considered;

And the question being on the passage of the same,

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Bradford, Brown of Sangamon, Brown of Vermilion, Bussy, Canady, Charles, Courtright, Cunningham, Denny, Dodge, Dougherty, Drummond, Dunlap, Emmerson, English, Francis, Froman, Gillespie, Gridley, Henderson, Kelly, Laughlin, Leary, Lincoln, Logan, McClernand, McGinnis, McLean, Menard, Minshall, Munsell, Murphy of Cook, Odam, Parkinson, Peck, Phelps, Phillips, Reynolds, Ross, Thornton, Threlkeld, Troy, Waters, Webb, West, White, Woodson, and Wood—52.

Those who voted in the negative, are,

Messrs. Baldwin, Barnett, Bentley, Bissell, Blackman, Carpenter, Cavarly, Cox, Crain, Darnielle, Dollins, Edwards, Hankins, Hicks, Hull, Kitchell, Lester, McClurken, McDonald, Moore, Murphy of Perry, Olds,

Oliver, Ormsbee, Prentice, Shepley, Trumbull, Turney, Wheeler, Wilson, and Mr. Speaker—31.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. West, on leave, offered for adoption the following:

*Whereas*, The commissioners' court of Cass county has neglected to appoint any person to take the census of said county for the State; therefore,

*Resolved by the House of Representatives the Senate, concurring herein*, That the census taken for the United States in said county of Cass, be taken and considered as the census for said county;" which was agreed to.

Mr. Bennett presented the petition of citizens of Menard and Tazewell counties; which, without reading, on his motion, was referred to the committee on Counties.

Mr. Dodge presented the petition of Freeman Mills, and others, for a ferry across the Illinois river; which, without reading, on his motion, was referred to a select committee.

*Ordered*, That Messrs. Dodge, Peck, and Menard be said committee.

A message from the Senate, by Mr. Stapp, a Senator:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives, that they have adopted the following resolutions, to wit:

*Resolved by the Senate, the House of Representatives concurring herein*, That the ratio for apportioning the representation of this State, according to the late census shall be twelve thousand inhabitants for each Senator, and five thousand for each Representative.

*Resolved*, That the joint select committee appointed to prepare and report a bill apportioning the representation to the several counties, adopt this number as the basis upon which to predicate their bill; and that the committee be instructed not to report a larger number of members in either House than that indicated by the ratio proposed in this resolution.

In the passage of which resolution they ask the concurrence of the House of Representatives.

They have also concurred with the House in their amendments to a resolution having for its object the raising of a joint select committee to fix the apportionment of representation in the Legislature of this State, and have appointed Messrs. Baker, Wood, Davidson, Hacker, Ross, Pearson, Richardson, Harrison, and Stadden, the committee on the part of the Senate.

A message from the Governor, by Mr. Douglass, Secretary of State:

*Mr. Speaker*: I am directed by the Governor to lay before the House of Representatives a written communication.

Mr. Crain, from the committee on Enrolled Bills, reported as correctly engrossed, bills of the following titles:

"An act to incorporate the Union Manufacturing Company;"

"An act to provide for the safe-keeping and delivery of the public money."

Mr. Gridley presented the petition of sundry citizens of McLean and Tazewell counties; which, without reading, on his motion was referred to the committee on Counties.

Mr. Prentice presented the petition of citizens of Shelby county; which was read, and on his motion, referred to the committee on the Judiciary.

Mr. Murphy of Cook, from the committee on Banks and other Corporations, to which was referred the bill for "An act incorporating the Chicago and La Salle Railroad Company, reported the same back to the House, and recommended its rejection;

And the question being on ordering the bill to be engrossed, It was decided in the negative.

Mr. Edwards, from the committee on Internal Improvements, to which was referred the bill for "An act to authorize Samuel M. Bowman to build a dam across Rock river, and for other purposes therein named;" reported the same back to the House, with an amendment; which was read and concurred in, and the bill as amended,

*Ordered to be engrossed.*

Mr. Cavarly, from the committee on the Judiciary, to which was referred the bill for "An act to enable the Sheriff of Gallatin county, to convey a certain tract of land therein named, to Stephen Chambers, notwithstanding the loss of the execution, judgment, &c. in said case," reported the same back to the House with an amendment as a substitute for the original bill; which was read and concurred in, and the bill

*Ordered to be engrossed.*

Mr. Murphy of Cook, from the committee on Banks and other Corporations, to which was referred the petition of citizens of Hampton, Rock Island county, requesting the plat to be vacated, reported the same back to the House, and was discharged from the further consideration of the same.

Mr. Murphy of Cook, from the committee on Banks and other Corporations, to which was referred communications from the State Bank of Illinois, and Bank of Illinois, reported the same back to the House, and was discharged from the further consideration of the same.

Mr. Trumbull, from the committee on the Judiciary, to which was referred the bill for "An act to repeal an act entitled, 'An act making an appropriation for a library for the use of the Legislature, and Supreme Court, and also to repeal a bill allowing a premium on wolf scalps,'" reported the same back to the House, with an amendment, which was read, and,

On motion of Mr. Brown of Sangamon,

Amended by inserting the word "regular," before "session;" and the report as amended, was concurred in, and the bill was ordered to be read a third time.

Mr. Carpenter, from the committee on Counties, to which was referred the petitions of De Witt and Macon counties, praying for a new county, reported a bill for "An act for the formation of the county of Piatt;" which was read the first time, and

*Ordered to a second reading.*

Mr. Carpenter, from the committee on Counties, to which was referred a resolution in relation to Alms-Houses, "report that they have had the same under consideration, and by examination of the existing laws of this State, they find the county courts have all the power contemplated by the resolution, and therefore ask to be discharged from the further consideration of the subject;" which report was concurred in, and the committee discharged from the further consideration of the subject.

Mr. Cavarly, from the committee on the Judiciary, to which was re-

ferred the engrossed bill for "An act for the benefit of the persons therein named;" reported the same back to the House with an amendment as a substitute for the original bill; which was read and concurred in, and the bill

*Ordered* to be read the third time.

Mr. Murphy of Perry, from the committee on Education, to which was referred a petition in relation to a certain 16th section in Schuyler county, reported the same back to the House, and were discharged from the further consideration of the same.

Mr. Murphy of Perry, from the committee on Education, to which was referred the petition of sundry citizens of Schuyler county, reported the same back to the House, and was discharged from the further consideration of the same.

Mr. Trumbull, from the committee on the Judiciary, to which was referred the bill for "An act providing for an issue term of the circuit courts," reported the same back to the House with amendments; which were read and concurred in.

Mr. Leary moved to amend the bill by striking out the following clause, "and to take inquests and perfect judgments, in all cases founded upon contracts, whether express or implied, where the defendant shall not file with his plea, an affidavit made by himself, or in his absence, by his agent, or attorney, that he has a good and substantial defence on the merits of such cause, as he verily believes to be true;" when,

On motion,

The House adjourned to 2 o'clock, P. M.

#### TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Minshall moved to dispense with the rule of the House to enable him to introduce the following resolution:

*Resolved*, That a joint select committee of three on the part of the House, and two on the part of the Senate, be appointed to draft a memorial to Congress praying the passage of a law authorizing the inhabitants of townships of land appropriated to the use of schools and seminary purposes, when the same or any of the subdivisions thereof shall be wholly useless, or greatly lessened in value by reason of inundation or other causes, to locate other lands belonging to the United States, and not otherwise appropriated, in lieu thereof; which was agreed to.

*Ordered*, That Messrs. Minshall, West, and Reynolds be said committee, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

A message from the Senate, by Mr. Stapp, a Senator:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that they have passed bills of the following titles, viz:

"An act to provide for the safe-keeping and disbursement of the public revenue;"

"An act making appropriation for work done upon the State House, and materials furnished;"

"An act to amend the several laws to provide for the distribution of the interest on the school, college, and seminary fund."

In the passage of which they ask the concurrence of the House of Representatives.

Engrossed bill for "An act to provide for the safe-keeping and disbursing the public monies," was taken up for consideration.

Mr. Peck demanded a call of the House.

Pending the call of the House, the engrossed bill for "An act to incorporate the Union Manufacturing Company," was read the third time, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

The Door-keeper having reported, the House resumed the consideration of the bill to provide for the safe-keeping and delivery of the public money.

Mr. Charles moved to amend the 2d section of the bill by adding the following:

"*Provided*, That the Treasurer shall pay to the Bank the amount of money now due to it by the State, for advances made to sustain the credit of the same;" which,

On motion of Mr. Kitchell,

Was laid on the table, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Barnett, Bentley, Bissell, Blackman, Bussy, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, Dunlap, English, Hankins, Hicks, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Moore, Munsell, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Prentice, Ross, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Woodson, Wood and Mr. Speaker—48.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Drummond, Edwards, Emmerson, Francis, Froman, Gillespie, Gridley, Henderson, Hull, Menard, Marshall, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, and West—38.

Mr. Webb moved to amend the bill by striking out the second section; which,

On motion of Mr. Murphy of Cook,

Was laid on the table by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Barnett, Bentley, Bissell, Blackman, Bussy, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, English, Hankins, Hicks, Hull, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Prentice, Ross, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—45.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Edwards, Emmerson, Francis, Froman, Gillespie, Gridley, Henderson, Menard, Minshall, Munsell, Parkinson,



Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, and Woodson—35.

Mr. Gillespie moved to amend the bill by adding the following as an additional section:

§“That if the Treasurer of the State, or any other officer or person having the custody and charge of the public money of this State, shall be guilty of appropriating the same to his or their own use, or the use of said corporation, without being able to refund the same, or shall, upon settlement, be found to be in arrear, without lawful excuse for the same, the said officer, or person, or persons, shall be liable to be indicted in the proper county, and upon conviction thereof, shall be sentenced to confinement in the penitentiary, for a term not less than five years, and may be for a period during his natural life.”

Mr. Murphy of Cook moved to amend the amendment by inserting after the word “persons,” in the ninth line, the words, “or the officers of any corporate body.”

Mr. Ross moved to refer the bill and proposed amendments to the committee on Banks and other Corporations; which,

On motion of Mr. Parsons,

Was laid on the table,

And the amendment to the amendment was agreed to.

Mr. Henderson moved to amend the amendment by adding the following section;

“SEC. 3d. That hereafter the revenue of this State shall be collected in gold and silver only, and be disbursed by the collecting officers;” which,

On motion of Mr. Murphy of Perry,

Was laid on the table, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Bennett, Bentley, Bissell, Blackman, Bradford, Brown of Sangamon, Carpenter, Cavarly, Courtright, Cox, Crain, Dodge, Dolins, Dunlap, English, Hankins, Hicks, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClurken, McDonald, McGinnis, Minshall, Moore, Munsell, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parkinson, Parsons, Peck, Prentice, Ross, Shepley, Threlkeld, Trumbull, Turney, Waters, West, Wheeler, Wilson, Woodson, and Mr. Speaker—51.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Brown of Vermilion, Bussy, Canady, Charles, Cunningham, Darnielle, Denny, Dougherty, Drummond, Edwards, Emmerson, Francis, Froman, Gillespie, Gridley, Hardin, Henderson, Hull, McClernand, Menard, Phelps, Phillips, Reynolds, Troy, Webb, White, and Wood—31.

Mr. Kitchell moved to amend the amendment, by striking out all after the word “that,” and inserting as follows:

“If any bank or other corporate institution in this State, or any agent of the State, or other person, whomsoever, who may now have, or hereafter may have, the care or custody of any public money or other property of this State, shall illegally use, embezzle, or retain the same, all officers of such institutions, or other persons, or any agent or officer of the State, who may in any other manner advise, aid, abet, or conceal the same, shall be

liable to indictment, and on conviction, be confined in the penitentiary for a term not less than five, nor more than ten years;" which was agreed to,

And the amendment as amended was agreed to, and the bill

*Ordered* to be engrossed for a third reading.

Mr. White, on leave, introduced a bill for "An act to legalize the county seat of Logan county;" which was read the first time, and the second time by its title, and,

On motion of Mr. White,

Referred to a select committee.

*Ordered*, That Messrs. White, Prentice, and Darnielle be said committee.

Mr. Hardin, on leave, presented the remonstrance of sundry citizens of Morgan county against the division of said county; which, without reading, on his motion, was referred to the committee on Counties; when,

On motion,

The House adjourned.

### WEDNESDAY, JANUARY 6, 1841.

The House met pursuant to adjournment.

A message from the Governor, by Mr. Douglass, Secretary of State:

*Mr. Speaker*: I am directed by the Governor to lay before the House of Representatives a written communication.\*

Mr. Henderson presented the petition of sundry citizens of Peoria and Tazewell counties, for a ferry across the Illinois river; which, without reading, on his motion, was referred to the committee on State Roads.

Mr. Phelps presented the petition of citizens of Peoria and Tazewell counties for a ferry across the Illinois river; which was read, and on his motion, referred to the committee on State Roads.

Mr. Ormsbee presented the petition of sundry citizens of Scott county, for a change in Scott county lines; which was read, and on his motion, referred to the committee on Counties.

Mr. Cunningham presented the petition of sundry citizens of Coles county, for a change in a State road; which, without reading, on his motion, was referred to a select committee.

*Ordered*, That Messrs. Cunningham, Denny, and Baldwin be said committee.

Mr. Gridley presented the remonstrance of sundry citizens of McLean and Tazewell counties, against a division of said county; which, without reading, on his motion, was referred to the committee on Counties.

Mr. Leary presented the remonstrance of sundry citizens of Witt county, against the division of said county; which, without reading, on his motion, was referred to the committee on Counties.

Mr. Charles, on leave, offered for adoption the following resolution:

*Resolved*, That the Secretary of State be required to procure as speedily as may be, two copies of Peck and Messenger's map of the State of Illinois, with the boundaries of all the counties marked thereon. to be placed in the Representatives Hall for the use of the members;" which was agreed to.

The bill for "An act providing for an issue term of the circuit courts,"

coming up for consideration, and after discussion had thereon, the bill and proposed amendment thereto.

On motion of Mr. Bentley,

Were laid on the table by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Barnett, Beall, Bennett, Bentley, Bradford, Brown of Sangamon, Brown of Vermilion, Bussy, Canady, Charles, Courtright, Cunningham, Denny, Dodge, Dollins, Emmerson, English, Francis, Froman, Gridley, Hankins, Hicks, Kelly, Laughlin, Leary, Lester, Logan, McClernand, McDonald, McLean, Marshall, Menard, Minshall, Munsell, Murphy of Cook, Murphy of Perry, Olds, Ormsbee, Parsons, Peck, Phillips, Prentice, Scott, Thornton, Threlkeld, Waters, West, Wheeler, White, Wood, and Mr. Speaker.—51

Those who voted in the negative, are,

Messrs. Archer, Bailey, Baldwin, Bissell, Blackman, Carpenter, Carvary, Cox, Crain, Darnielle, Dougherty, Drummond, Dunlap, Edwards, Gillespie, Hardin, Henderson, Hull, Kitchell, Lincoln, McClurken, McGinnis, Moore, Oliver, Parkinson, Phelps, Reynolds, Ross, Troy, Trumbull, Turney, Webb, Wilson, and Woodson—34.

Mr. Leary from the committee on Engrossed Bills, reported as correctly engrossed, bills of the following titles, to wit:

“An act to incorporate the Marion Academy in Williamson county;”

“An act to extend the provisions of an act entitled ‘An act, to provide for the dedication of lots in towns situated on canal lands to public purposes;’ approved February 28, 1839;

“An act in relation to free negroes and mulattoes;”

“An act to vacate town plats.”

Mr. Ormsbee from the committee on Public Accounts and Expenditures, to which was referred the reports of the State House Commissioners; reported the same back to the House with the following resolutions, which were read and concurred in, to wit:

“Resolved, That the committee on public accounts and expenditures be discharged from the further consideration of the reports of the State House Commissioners, and that the same be referred to the committee on public buildings and grounds.”

“Resolved further, That the committee on public buildings and grounds be instructed (with power to examine witnesses on oath, and to send for persons and papers) to thoroughly investigate the official conduct of said Commissioners, to audit, adjust, and settle all their accounts made in conformity to law, on account of the public building, and to arrange a statement of the same, together with a statement of all other acts and doings of said Commissioners, and report the same as early as possible to this House.”

Mr. Kitchell from the committee on the Judiciary, to which was referred the bill for “An act, to provide for draining mill dams on Mackinaw creek;” reported the same back to the House with an amendment; which was read and concurred in; and the bill was

Ordered to be engrossed.

Mr. Drummond from the committee on the Judiciary, to which was referred the bill for “An act concerning the town of Belvidere;” reported the

same back to the House with an amendment, as a substitute for the original bill, which was read and concurred in; and the bill was

*Ordered* to be engrossed.

Mr. Gillespie from the committee on the Penitentiary, to which was referred the report of the Inspectors of the Penitentiary; made a report and introduced a bill for "An act in relation to Penitentiary;" which was read the first time and second time by its title, and together with the report, laid on the table, and 150 copies thereof, ordered to be printed.

Mr. Murphy of Cook, from the committee on Banks and other Corporations, to which was referred a bill for "An act to amend an act, entitled 'An act, in relation to the State Bank of Illinois,'" approved January 31, 1840; reported the same back to the House without amendment, and the bill was

*Ordered* to be engrossed.

Mr. Drummond from the committee on the Judiciary, to which was referred the petition of Robert Ritchey, for a divorce; reported the same back to the House, and was discharged from the further consideration of the same.

Mr. Archer from the committee on State roads, to which was referred sundry bills and petitions; reported the same back to the House with a bill for "An act to locate, alter, and re-locate certain State roads;" which was read the first time, and the second time by its title, and

On motion of Mr. Leary,

Amended by adding the following to the end of the first section, "on the first day of February, or as soon thereafter as practicable; and said counties and Lake, or either of them shall not be liable for any expense attending the survey and location of said roads, which roads shall be four rods wide; and

On motion of Mr. Carpenter,

Referred to a select committee.

*Ordered*, That Messrs. Carpenter, Leary, and Olds be said committee; when,

On motion,

The House adjourned to 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

The Speaker laid before the House a communication from the Cashier of the Bank of Illinois; which was read and laid on the table.

Also, a communication from the President of the State Bank of Illinois; which was read and laid on the table.

Also, a communication from J. Delafield, of the City of New York; which was read, and

On motion of Mr. Murphy of Cook,

Referred to the committee on Finance.

Also, a communication from the State Treasurer, in answer to a call of the House for information in relation to the internal improvement system; which was read in part, and

Mr. Murphy of Cook moved to dispense with the further reading thereof, and that the communication be laid on the table, and 150 copies thereof printed for the use of the House.

Mr. Hardin called for a division of the question; and the motion to lay on the table, was agreed to, and the motion to print was rejected.

Also, a communication from the Auditor of Public Accounts; which was read, and

On motion of Mr. Ormsbee,

Laid on the table, and one hundred and fifty copies thereof ordered to be printed.

Also, a communication from the Governor, enclosing a copy of a letter from Samuel Allinson of London, in relation to the failure of Wright and Co; which was read, and

On motion of Mr. Turney,

Referred to the committee on Finance.

Also, a communication from the Governor, enclosing a communication and memorial from the Governor of Iowa, in relation to the improvement of the navigation of the Mississippi river; which being read,

On motion of Mr. Charles,

Was referred to the committee on Internal Improvements, with the following instructions:

"To report a memorial to Congress, praying an appropriation for continuing the work for the improvement of the navigation of the Rapids on the Upper Mississippi river."

Senate bill for "An act to amend the several laws to provide for the distribution of the interest on the School, College and Seminary Fund;" was read the first time, and

The rules of the House being dispensed with, the same was read the second and third times by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof.

Senate resolutions in relation to apportionment of Representation; were read, and

On motion of Mr. English,

Committed to the committee of the Whole House, and made the special order of the day for to-morrow.

House resolutions in relation to power of Fund Commissioner to appoint an agent, with the Senate amendments thereto, were taken up, and the Senate amendments were read and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

The Senate having concurred with the House in their amendments to the Senate resolution for the appointment of a joint select committee, of one on the part of the Senate, and two on the part of the House of Representatives from each judicial circuit, to fix the apportionment of Representation in the Legislature of this State, and having appointed Messrs. Baker, Wood, Davidson, Hacker, Ross, Pearson, Richardson, Harrison and Stadden, the committee on the part of the Senate.

The Speaker announced the following as the committee on the part of the House of Representatives.

Messrs. McClernand, Peck, Hardin, Dougherty, Bissell, Olds, Hender-

son, Dodge, Drummond, Courtright, Gridley, Thornton, Wilson, Busey, White, Hankins, Ross, and Charles.

Senate bill for "An act to provide for the safe keeping and disbursement of the public revenue;" was read the first time, and

*Ordered* to a second reading.

Mr. Crain from the committee on Engrossed Bills, reported as correctly engrossed, bills of the following titles, to wit:

"An act for the benefit of the persons therein named;"

"An act to authorize Samuel M. Bowman to build a dam across Rock river, and for other purposes therein named;"

"An act to provide for the safe keeping and delivery of the public monies."

On motion of Mr. English,

The House now resolved itself into committee of the Whole House, on the bill for "An act concerning public roads;" and after some time spent therein, the committee rose, and through their chairman, Mr. Trumbull reported progress, and asked leave to sit again; which was not granted; when,

On motion of Mr. Logan,

The bill was laid on the table, and one hundred and fifty copies thereof, ordered to be printed for the use of the House.

Engrossed bill for "An act to provide for the safe keeping and delivery of the public monies;" was read the third time, and on the passage of the bill, it was rejected by yeas and nays as follows:

Those who voted in the affirmative; are,

Messrs. Baldwin, Barnett, Bentley, Bissell, Blackman, Carpenter, Courtright, Crain, Dodge, Dollins, Dunlap, English, Hicks, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McDonald, McGinnis, Marshall, Menard, Moore, Murphy or Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Prentice, Ross, Shepley, Trumbull, Turney, Wheeler, White, Wilson, and Wood—41.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Cavarly, Charles, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Edwards, Emmerson, Francis, Froman, Gillespie, Gridley, Henderson, Hull, Lincoln, McLean, Marshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, Woodson, and Mr. Speaker—41.

Engrossed bill for "An act for the benefit of the persons therein named;" was read the third time and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

On motion of Mr. Dollins,

The rules of the House were dispensed with, in order to receive reports from select committees.

Mr. Dollins from the select committee to which was referred a bill for "An act to prevent the unlawful driving away of cattle and other stock by drovers and others; reported the same back to the House with amendments; which were read and concurred in, and the bill as amended

*Ordered* to be re-engrossed.

Mr. Laughlin from the select committee to which was referred a bill for "An act, to authorize the removal of the seat of justice of Adams county;" reported the same back to the House without amendment; when the bill was

*Ordered* to a third reading.

Mr. Carpenter from the select committee to which was referred a bill for "An act to locate, alter, and re-locate certain State roads; reported the same back to the House with amendments; which were read and concurred in, and the bill as amended, was

*Ordered* to be engrossed for a third reading.

Mr. Beall from the select committee to which was referred a petition of T. S. Hinds of Wabash county; reported a bill for "An act to establish certain ferries therein named;" which was read the first time, and

*Ordered* to a second reading.

Mr. Dougherty from the select committee to which was referred a bill for "An act, to repeal all acts authorizing the prosecution of the internal improvement system;" reported the same back to the House with amendments; and the question being on concurring with the committee in their amendments.

Mr. Olds moved to lay the bill and proposed amendments on the table; when,

On motion of Mr. Webb,

The House adjourned.

#### THURSDAY, JANUARY 7, 1841.

House met pursuant to adjournment.

Mr. Marshall presented the petition of sundry citizens of Marion county; which, without reading, on his motion, was referred to a select committee.

*Ordered*, That Messrs. Marshall, Dougherty, and Scott be said committee.

Mr. McClernand presented the petition of citizens of Gallatin and other counties; which, without reading, on his motion, was referred to the committee on Canals and Canal Lands.

Mr. Bennett presented the petition of citizens of Menard county, in relation to a division of a sum of money therein named; which was read, and on his motion, referred to a select committee.

*Ordered*, That Messrs. Bennett, West, and Parkinson be said committee.

Mr. English presented the petition of Elizabeth Hart; which was read, and on his motion, referred to a select committee.

*Ordered*, That Messrs. English, Cavarly, and Hardin be said committee.

Mr. Hull presented the petition of sundry citizens of Tazewell county praying for a law securing the right of trial by jury, *in all cases where liberty is concerned*, and the repeal of all laws inconsistent with such trial; which was read, and on his motion, was referred to the committee on the Judiciary.

Mr. Prentice presented the petition of citizens of Shelbyville, Shelby county; which was read, and on his motion, referred to the committee on the Judiciary.

The bill for "An act repealing all acts authorizing a prosecution of the internal improvement system," coming up for consideration, the question being on concurring with the report of the select committee,

Mr. Munsell moved to amend the report of the select committee, by striking out all after the word "that," and insert as follows:

"That so much of the act entitled 'An act to establish and maintain a general system of internal improvements,' approved Feb. 27, 1837, and all acts amendatory or supplemental thereto, as provides for carrying out a system of internal improvements, by constructing railroads, turnpikes, or other roads, and improvements on rivers or other streams in the State of Illinois, be, and the same are hereby repealed: *Provided always*, That nothing in this section shall be so construed as to imply any surrender on the part of the State, of any right which the State may have acquired, as to the right of way on any of the railways, turnpikes or other roads, and improvements on any rivers or other streams, whether such right of way shall have been obtained by cession, purchase, condemnation of the ground or otherwise: *And provided, also*, That the State reserves to herself the entire and exclusive control of all ground so obtained, for railroad or other purposes above specified, and all rights acquired on rivers or streams, and all the improvements made thereon, under the direction of the State, or her officers, such as excavations, embankments, bridges, depots, culverts, on roads or canals, dams or locks on rivers and streams, with the further right of hereafter going on to complete all or any part of said contemplated improvements, or of selling, leasing, or otherwise disposing of them, to any company or companies, for the purpose of their completion; and the State receiving the proceeds of such sales, liens, or other disposition of them according to the tenor of her contract with said company or companies, in as full and ample a manner as she could have done, previous to the repeal of the several laws recited in the fore part of this section."

And before the vote was taken on said proposed amendments,

On motion of Mr. Munsell,

The bill and proposed amendments were committed to the committee of the Whole House, and made the special order of the day for to-morrow.

Mr. Hardin moved to take up for consideration the bill for "An act providing for an issue term of the circuit courts;" which was agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Barnett, Blackman, Bradford, Brown of Sangamon, Cavarly, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Dunlap, Edwards, Emmerson, Froman, Gillespie, Gridley, Hardin, Henderson, Hull, Kitchell, Lincoln, Logan, McClurken, McGinnis, Moore, Munsell, Odam, Oliver, Parkinson, Phelps, Phillips, Ross, Thornton, Threlkeld, Troy, Trumbull, Waters, Webb, White, and Woodson—43.

Those who voted in the negative, are,

Messrs. Beall, Bentley, Busey, Canady, Carpenter, Charles, Courtright, Crain, Dodge, Dollins, English, Francis, Hankins, Hicks, Kelly, Laughlin, Leary, Lester, McClelland, McDonald, McLean, Marshall, Menard, Minshall, Murphy of Cook, Murphy of Perry, Olds, Ormsbee, Parsons, Peck, Prentice, Reynolds, Scott, Shepley, Turney, West, Wheeler, Wilson, Wood, and Mr. Speaker—40.

And on the further motion of Mr. Hardin, the same was referred to a select committee of five.



*Ordered*, That Messrs. Hardin, Leary, Edwards, Hicks, and Crain be said committee.

A message from the Senate, by Mr. Berry, their Assistant Secretary :

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that they have adopted the following resolution, viz:

*Resolved by the General Assembly of Illinois*, That our Senators in Congress be instructed, and our Representatives respectfully requested, to use their utmost exertions to procure the passage of a law providing for the redemption of all sums of continental paper which may at present be in the hands of revolutionary soldiers, their wives, or heirs, and which was received from Government, for services rendered during the war of the revolution.

*Resolved*, That His Excellency, the Governor transmit a copy of the above resolution to each of our Senators and Representatives in Congress.

In the passage of which they ask the concurrence of the House of Representatives.

They have concurred with the House of Representatives in the passage of a resolution having for its object the raising of a joint select committee to draft and prepare a memorial to Congress, praying an alteration in the land laws so as to enable the actual settler to enter and purchase of the General Government, without restriction in number, forty acre tracts, &c.

And that they have appointed Messrs. Snyder and Little the committee on the part of the Senate.

Mr. Ormsbee, from the committee on Public Accounts and Expenditures, to which was referred a resolution of instruction to enquire into the expediency of abolishing the present system of public printing, and letting out printing to the lowest bidder, reported the same back to the House, and was discharged from the further consideration of the same.

Mr. Ormsbee, from the committee on Public Accounts and Expenditures, reported for adoption the following resolution:

*Resolved by the House of Representatives*, That a committee of five be appointed to investigate all the accounts of the late Board of Public Works, if the same have been made by the authority of law, and are accompanied by vouchers proving the justness and correctness thereof; and that said committee, or either of them, have power to examine on oath, the Commissioners of said Board of Public Works, as well as other witnesses if they should deem it proper; also, to send for papers and persons, and to do all other things necessary to a complete and proper report of the manner in which the duties of said Board have been performed in relation to the accounts thereof, and a clear statement of the condition of the accounts of each and every one of said commissioners, and the said committee are required to report to the present session of the Legislature."

Mr. Ormsbee moved to amend said resolution by striking out the words "audit, adjust, and settle," and insert "investigate."

Mr. Charles moved to lay the resolution and proposed amendment on the table till the 4th of July next.

Mr. Hardin moved to amend by striking out all of the resolution after the word "resolved," and insert the following:

*By the House of Representatives, the Senate concurring herein*, That the joint select committee heretofore appointed to investigate the accounts of the late Board of Public Works, be, and they are hereby authorized to

send for persons and papers in order to enable said committee to make a full and thorough examination of the official conduct of said Board.

Mr. Cavarly moved to lay the proposed amendment on the table; which was agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Barnett, Bentley, Bissell, Blackman, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, Drummond, Dunlap, English, Hankins, Hicks, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, McLean, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Phelps, Prentice, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilsor, Wood, and Mr. Speaker—51.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Sangamon, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Edwards, Emerson, Francis, Froman, Gillespie, Gridley, Hardin, Henderson, Menard, Minshall, Munsell, Parkinson, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, and Woodson—34.

Mr. Shepley demanded the previous question; which was sustained.

And the question being on the amendment proposed by Mr. Ormsbee, It was agreed to;

When the resolution as amended was agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Baldwin, Barnett, Beall, Bentley, Bissell, Blackman, Brown of Sangamon, Busey, Carpenter, Cavarly, Courtright, Cox, Crain, Darnielle, Dodge, Dollins, Dougherty, Drummond, Dunlap, English, Hankins, Hicks, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, McLean, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Phelps, Prentice, Ross, Scott, Shepley, Trumbull, Turney, Waters, Wheeler, White, Wilson, Wood, and Mr. Speaker—59.

Those who voted in the negative, are,

Messrs. Bennett, Bradford, Brown of Vermilion, Canady, Charles, Cunningham, Denny, Edwards, Emerson, Francis, Froman, Gillespie, Gridley, Hardin, Henderson, Menard, Minshall, Munsell, Parkinson, Phillips, Reynolds, Thornton, Threlkeld, Troy, Webb, West, and Woodson—27.

*Ordered*, That Messrs. Ormsbee, Henderson, Cavarly, Murphy of Cook, and Minshall be the committee under said resolution.

Mr. Leary, from the committee on Enrolled Bills, reported; "the committee on Enrolled Bills have this day laid before the Council of Revision a bill of the following title: "An act to authorize the erection of a bridge across Saline river."

On motion of Mr. English,

The vote of yesterday, refusing to print the report of the Treasurer on the internal improvement system was re-considered.

And the House ordered the printing of 150 copies of said report; when,

On motion,

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Edwards, on leave, offered for adoption the following:

*Resolved*, That the Treasurer be requested to make out and lay before this House at as early a day as practicable, a statement of the amount of money expended by the late Board of Public Works, at Quincy, at Peoria, and at Peru; whether in making wharves, or grading, or improving streets, or otherwise;" which was agreed to.

On motion of Mr. Reynolds,

The Senate resolution in relation to the Cumberland road, was taken up from the table, for consideration, and

Mr. Gillespie demanded a call of the House; and pending the call of the House,

Mr. Bentley, on leave, introduced a bill for "An act to extend the limits of Bond county;" which was read the first time, and the second time by its title, and referred to the committee on Counties.

Mr. Dodge, on leave, introduced a bill for "An act to authorize Lester Barker, Alanson House, and their associates to bulid a mill dam across Fox river;" which was read the first time, and the second time by its title, and referred to the committee on Banks and other Corporations.

Mr. Dodge, on leave, introduced a bill for "An act to incorporate a Medical College, to be located in the town of St. Charles, or Clinton, in Kane county, by a vote of the Trustees;" which was read the first time, and the second time by its title, and referred to the committee on Banks and other Corporations.

Mr. Threlkeld, on leave, introduced a bill for "An act for the benefit of George M. Hanson:" which was read the first time, and the second time by its title, and,

On motion of Mr. Turney,

Referred to a select committee of five.

*Ordered*, That Messrs. Turney, Threlkeld, Archer, Wilson, and Kelly be said committee.

Mr. Carpenter, on leave, from the committee on Counties, to which was referred the petition of sundry citizens of Cass and Morgan counties, reported a bill for "An act to extend the boundaries of Cass county;" which was read the first time, and

*Ordered* to a second reading.

Mr. Cavarly, on leave, introduced a bill for "An act authorizing the Governor to make a deed;" which was read the first time, and the second time by its title; when

The Door-keeper having reported under the call of the House,

The consideration of the resolution from the Senate in relation to the Cumberland road, was again resumed, and

Mr. Edwards moved to lay the resolution on the table till the 4th of July next; when, after discussion,

On motion of Mr. Archer,

The resolution was committed to the committee of the Whole House, and made the special order of the day for Monday next, at two o'clock, P. M.

On motion of Mr. Woodson,

The House now resolved itself into committee of the Whole House, Mr. Woodson in the Chair, on the resolutions from the Senate, in relation to apportionment of representation; and after some time spent therein, the committee rose, reported progress, and obtained leave to sit again; when, The House adjourned.

## FRIDAY, JANUARY 8, 1841.

House met pursuant to adjournment.

A message from the Council of Revision, by Mr. Purinton, Clerk to the Council:

*Mr. Speaker:* I am directed by the Council of Revision to inform the House of Representatives, that they have approved bills of the following titles, viz:

"An act declaring the town of Benton the permanent seat of justice for the county of Franklin;"

"An act to extend the time for taking an enumeration of the inhabitants of this State;"

"An act making compensation to the persons therein named;"

"An act authorizing the erection of a bridge across the Saline river;"

"An act to change the time of holding courts in the second judicial circuit."

A message from the Senate by Mr. Berry, their Assistant Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives, that they have refused to concur with them in the passage of a bill for "An act, to locate and establish a State road from Peoria, in Peoria county to Fairview, in Fulton county."

Mr. Shepley moved that the rules of the House be dispensed with, to enable him to offer a resolution which was read to the House.

And the yeas and nays being demanded on dispensing with the rules,

It was decided in the affirmative.

Three-fourths of the members so voting, by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Baldwin, Barnett, Beall, Bentley, Bissell, Blackman, Brown of Sangamon, Brown of Vermilion, Busey, Carpenter, Courtright, Crain, Dodge, Dollins, Dougherty, Dunlap, English, Francis, Hankins, Hardin, Hicks, Hull, Kelly, Kitchell, Laughlin, Leary, Lester, Lincoln, Logan, McClurken, McDonald, McLean, Minshall, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parkinson, Parsons, Peck, Phillips, Prentice, Reynolds, Ross, Scott, Shepley, Thornton, Threlkeld, Troy, Trumbull, Turney, Waters, Webb, West, Wheeler, White, Wilson, Woodson, Wood, and Mr Speaker—63.

Those who voted in the negative, are,

Messrs. Bailey, Bennett, Bradford, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Drummond, Edwards, Emmerson, Froman, Gridley, Henderson, McGinnis, Menard, Moore, and Munsell—19.

The rules of the House being dispensed with,

Mr. Shepley moved the adoption of the following preamble and resolution:

*Whereas*, each returning anniversary of the days pre-eminently distinguished for successful deeds of patriotism, valor, and sufferings in the defence and maintenance of the liberties of the American people must excite emotions of profound gratitude towards the Great Dispenser of every good and perfect gift, in whose hands are the destinies of nations.

*And whereas*, the 8th of January, 1815, stands among the first in the calendar of days to be held in grateful remembrance for the manifestations of patriotism and courage, and the sacrifice of blood in the defence of our national liberties; therefore,

*Resolved*, That this House out of respect for the conservators of "beauty and booty," on the plains of New Orleans achieved by their unprecedented skill and bravery, and under the able directions of the illustrious and immortal Andrew Jackson, do now adjourn."

Mr. Gridley demanded a division of the question, so as first to take the vote on the preamble to the resolution.

Mr. Peck moved to amend the preamble by inserting before the word "therefore" the following:

*"And whereas*, the military fame of Andrew Jackson has been rivalled by his equally successful and distinguished services to the nation as a statesman and benefactor of the people."

Mr. Dollins demanded the previous question.

And on the question—"Shall the main question be now put?"

It was decided in the affirmative, by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Beall, Bentley, Bissell, Blackman, Busey, Cavarly, Courtright, Cox, Crain, Dollins, Dougherty, Gillespie, Green, Hankins, Hicks, Kelly, Kitchell, Laughlin, Leary, Lester, Lincoln, Logan, McClurken, McDonald, McGinnis, Marshall, Munsell, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Prentice, Scott, Shepley, Threlkeld, Turney, Waters, West, Wheeler, White, Wilson, and Wood—48.

Those who voted in the negative, are,

Messrs. Bailey, Barnett, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Carpenter, Charles, Cunningham, Darnielle, Denny, Dodge, Drummond, Dunlap, Edwards, Emmerson, English, Francis, Froman, Gridley, Hardin, Henderson, Hull, McLean, Menard, Minshall, Moore, Parkinson, Phillips, Reynolds, Ross, Thornton, Troy, Trumbull, Webb, Woodson, and Mr. Speaker—38.

And the question being on the amendment proposed by Mr. Peck.

It was decided in the negative, by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Bissell, Blackman, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, English, Green, Hankins, Hicks, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Shepley, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—43.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Barnett, Beall, Bennett, Bentley, Bradford,

Brown of Sangamon, Brown of Vermilion, Busey, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Drummond, Dunlap, Edwards, Emmerson, Francis, Froman, Gillespie, Gridley, Hardin, Henderson, Hull, Lincoln, McLean, Menard, Minshall, Munsell, Parkinson, Phillips, Reynolds, Thornton, Threlkeld, Troy, Trumbull, Waters, Webb, West, and Woodson—43.

And the vote being taken on agreeing to the preamble,

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Baldwin, Barnett, Bentley, Bissell, Blackman, Brown of Sangamon, Brown of Vermilion, Busey, Carpenter, Cavarly, Charles, Courtright, Cox, Crain, Denny, Dodge, Dollins, Dougherty, Drummond, Dunlap, Edwards, English, Gillespie, Green, Gridley, Hankins, Hardin, Hicks, Hull, Kelly, Kitchell, Laughlin, Leary, Lester, Lincoln, Logan, McClurken, McDonald, McGinnis, McLean, Marshall, Moore, Munsell, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormbee, Parkinson, Parsons, Peck, Phillips, Prentice, Reynolds, Ross, Scott, Shepley, Thornton, Threlkeld, Troy, Trumbull, Turney, Waters, Webb, West, Wheeler, White, Wilson, Woodson, Wood, and Mr. Speaker—74.

Those who voted in the negative, are,

Messrs. Beall, Bennett, Bradford, Canady, Cunningham, Darnielle, Emmerson, Francis, Froman, Henderson, Menard, and Minshall—12.

When the resolution was also agreed to, by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Barnett, Beall, Bentley, Bissell, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, Dunlap, English, Gillespie, Green, Hankins, Hardin, Hicks, Kelly, Kitchell, Laughlin, Leary, Lester, Lincoln, Logan, McClurken, McDonald, McGinnis, McLean, Marshall, Minshall, Murphy of Cook, Murphy of Perry, Odam, Oliver, Parkinson, Parsons, Prentice, Reynolds, Ross, Scott, Shepley, Trumbull, Turney, West, Wheeler, White, Wilson, and Mr. Speaker—51.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Bennett, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Drummond, Edwards, Emmerson, Francis, Froman, Gridley, Henderson, Hull, Menard, Moore, Munsell, Olds, Ormsbee, Peck, Phillips, Thornton, Threlkeld, Troy, Waters, Webb, Woodson, and Wood—35.

So the preamble and resolution were adopted, and the

The House adjourned.

SATURDAY, JANUARY 9, 1841.

House met pursuant to adjournment.

Mr. Leary, from the committee on Engrossed Bills, reported as correctly engrossed, a bill for "An act to prevent the unlawful driving away of cattle and other stock, by drovers and others."

Mr. Crain, from the same committee, also reported as correctly engrossed bills of the following titles:

"An act concerning the town of Belvidere;"

"An act to provide for draining mill dams on the Mackinaw creek;"

"An act to amend an act, entitled, 'An act in relation to the State Bank of Illinois.'"

Mr. Prentice presented the petition of sundry citizens of Shelby county; which, without reading, on his motion, was referred to the committee on Counties."

Mr. Henderson presented the petition of citizens of township No. 14, north of range 8, east of the 4th principal meridian, for the sale of the school section; which, without reading, on his motion, was referred to the committee on Education.

Mr. Webb presented the petition of sundry citizens of White and Galatin counties; which, without reading, on his motion, was referred to the committee on Canals and Canal Lands.

Mr. Woodson, on leave, introduced a bill for "An act fixing the time of holding the circuit courts in the 1st Judicial circuit;" which was read the first time, and the second time by its title, and

*Ordered to be engrossed.*

Mr. Drummond, from the committee on the Judiciary, reported a bill for "An act fixing the time of holding courts in the sixth Judicial circuit;" which was read the first time, and the second time by its title, and

*Ordered to be engrossed.*

Mr. Carpenter, from the committee on Counties, to which was referred the petition of citizens of Tazewell and Menard counties, reported a bill for "An act for the formation of the county of Mason;" which was read the first time, and the second time by its title, and

*Ordered to be engrossed.*

Mr. Kitchell, from the committee on the Judiciary, to which was referred the petition of Stephen Rowe, reported the same back to the House, and was discharged from the further consideration of the same, and

On motion of Mr. Prentice,

The petition was referred to the committee on Finance.

Mr. Woodson, on leave, introduced the following resolution:

"*Resolved*, That the committee on Finance be instructed to enquire into the expediency and constitutionality of increasing the public revenue by a tax on original writs, on the seal of any county commissioners' court, on the seal of the State, when affixed to any writings intended to be sent out of the State, on all civil commissions, on each appeal to the Supreme Court, on each supersedeas, or writ of error issued from the Supreme Court, and on each deed and other writings entered on record, and that they report by bill or otherwise;" which was agreed to.

The resolution some time since offered by Mr. Wheeler, proposing to instruct the committee on the Judiciary to enquire into the expediency of reporting a bill for a stay law, to stay proceedings on judgments and executions, coming up for consideration,

Mr. Trumbull moved that the resolution be laid on the table.

Mr. Dollins demanded a call of the House; and the roll having been called through,

On motion of Mr. Brown of Vermilion,

Further proceedings under the call of the House were dispensed with,

And the question being on laying the resolution on the table, It was decided in the affirmative, by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Baldwin, Barnett, Beall, Bissell, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Cavarly, Charles, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Edwards, Emmerson, Francis, Froman, Gillespie, Gridley, Hardin, Hull, Leary, Lincoln, McClurken, McGinnis, Moore, Munsell, Ormsbee, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Trumbull, Turney, Webb, West, Wilson, and Woodson—46.

Those who voted in the negative, are,

Messrs. Bentley, Blackman, Bradford, Carpenter, Courtright, Crain, Dollins, Dunlap, English, Green, Hankins, Henderson, Hicks, Kelly, Kitchell, Laughlin, Lester, Logan, McDonald, McLean, Marshall, Menard, Minshall, Murphy of Perry, Odam, Olds, Oliver, Parsons, Peck, Prentice, Ross, Scott, Waters, Wheeler, Wood and Mr. Speaker—36.

The resolution some days since offered by Mr. Kelly, instructing the committee on the Judiciary to report a bill for the distribution of the school fund, coming up for consideration, after discussion thereon,

Mr. Charles moved to lay the resolution on the table; which was decided in the negative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bailey, Bradford, Brown of Sangamon, Charles, Darnielle, Denny, Dougherty, Drummond, Edwards, Francis, Gillespie, Gridley, Hardin, Henderson, Hull, Leary, McGinnis, Menard, Parkinson, Peck, Phelps, Phillips, Trumbull, Webb, West, and Woodson—26.

Those who voted in the negative, are,

Messrs. Archer, Baldwin, Barnett, Beall, Bentley, Bissell, Blackman, Brown of Vermilion, Busey, Canady, Carpenter, Cavarly, Courtright, Cox, Crain, Cunningham, Dollins, Dunlap, Emmerson, English, Froman, Green, Hankins, Hicks, Kelly, Kitchell, Laughlin, Lester, Logan, McClurken, McDonald, McLean, Marshall, Minshall, Moore, Munsell, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Prentice, Reynolds, Ross, Scott, Shepley, Threlkeld, Troy, Turney, Waters, Wheeler, Wilson, Wood, and Mr. Speaker—56.

Mr. Murphy of Cook moved to amend the resolution by striking out all after the word "resolved," and inserting as follows:

"That the committee on Education be instructed to report a bill for borrowing one million of dollars, in order that said sum shall be distributed amongst the several counties in this State, in lieu of the school fund heretofore belonging to it, and to authorize the different school commissioners to loan said fund to the best advantage;" which,

On motion of Mr. Olds,

Was laid on the table.

Mr. Henderson moved to amend the resolution by adding the following proviso:

"*Provided*, That the rateable proportion of the school fund to which the counties of Putnam, Bureau, Marshall, and Stark, may now, or at any time hereafter be entitled, according to the number of children in said counties, shall not be distributed, but the principal to remain in the Treasury of State, and the interest only distributed to said counties. And



that the counties aforesaid are hereby expressly released from all liability for the principal and interest of any money which may be borrowed for distribution, or which may be distributed."

Mr. Bentley moved to lay said proviso on the table; when,

On motion of Mr. Logan,

The House adjourned until 2 o'clock.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Blackman, on leave, introduced a bill for "An act to amend an act providing for the payment of grand and petit jurors," approved February 13th, 1840; which was read the first time, and the second time by its title, and,

On motion of Mr. Turney,

Referred to the committee on the Judiciary; when,

On motion of Mr. Cavarly,

The House again resolved itself into committee of the Whole on the Senate resolutions in relation to the apportionment of representation, Mr. Woodson in the Chair, after some time spent therein. the committee rose, reported progress, and obtained leave to sit again; when,

On motion,

The House adjourned.

MONDAY, JANUARY 11, 1841.

House met pursuant to adjournment.

Mr. Shepley, on leave, introduced a bill for "An act to require the collectors of the public revenue to receive and pay Auditor's Warrants;" which was read the first time and second time by its title, and

On motion of Mr. Murphy of Perry,

The rules of the House were dispensed with, and the bill now read the third time; when,

Mr. Phelps moved to amend the bill by adding the following as an additional section:

"SEC. —. The members of this General Assembly shall not receive any compensation for their services, until all the scrip issued by or under the authority of this State, shall have been redeemed;" which,

On motion of Mr. Logan,

Was laid on the table.

Mr. Charles moved to amend the bill by striking out all that relates to the payment of Auditor's Warrants. issued since the first of December, 1840; which,

On motion of Mr. Murphy of Perry,

Was laid on the table by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Able, Baldwin, Barnett, Beall, Bennett, Bentley, Bissell, Blackman, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, Drummond, Dunlap, English, Green, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Menard, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Phelps, Prentice, Reynolds, Ross, Scott, Shepley, Trumbull, Turney, Waters, West, Wheeler, Wilson, Wood, and Mr. Speaker—57.

Those who voted in the negative, are,

Messrs. Bailey, Bradford, Canady, Charles, Cox, Cunningham, Denny, Edwards, Emmerson, Gillespie, Gridley, Hardin, Henderson, Hull, Lincoln, McLean, Minshall, Munsell, Phillips, Thornton, Troy, and Woodson—22.

When,

On motion of Mr. English,

The bill was referred to the committee on Finance.

Mr. Dodge presented the petition of sundry citizens of La Salle county, praying for a new county; which, without reading, on his motion, was referred to the committee on Counties.

On motion of Mr. Dodge,

The rules of the House were dispensed with, to enable him to report from the select committee to which was referred certain petitions in relation to a new county; and said petitions were reported back to the House, and

On motion of Mr. Dodge,

Referred to the committee on Counties.

Mr. Murphy of Cook, presented the remonstrance of sundry citizens of McHenry county, against a division of the same; which, without reading, on his motion, was referred to the committee on Counties.

Mr. Thornton presented the petition of citizens of Boone county, asking for more territory; which, without reading, on his motion, was referred to the committee on Counties.

Mr. Denny presented the petition of sundry citizens of Warren county, in relation to the division of said county; which, without reading, on his motion, was referred to the committee on Counties.

On motion of Mr. Denny,

The rules of the House were dispensed with, and the Senate bill for "An act to establish the county of Henderson," was taken up for consideration, and on his further motion, the rules of the House were dispensed with, and the bill now read the first and second time by its title, and referred to the committee on Counties.

Mr. Crain from the committee on Engrossed Bills, reported as correctly engrossed, a bill for "An act to locate, alter, and re-locate certain State roads."

Mr. Gridley presented a petition from citizens of McLean county, against a division of said county; which, without reading, on his motion, was referred to the committee on Counties.

Mr. Gridley presented the petition of citizens of McLean county, asking for the publication of a speech of a member of this House; which being read,

Mr. McClernand moved the adoption of the following resolution in relation thereto.

*“Resolved, That the petition now under consideration, emanating from the county of McLean, and offered by the member from McLean, (Mr. Gridley) be not received; and that said petition be returned to the member who offered the same as unworthy the respectful attention of this House.”*

Mr. Webb raised a question of order; and insisted that the question was upon the reception of the petition?

The chair decided that the petition was in the possession of the House, and that the House could make what disposition of it they pleased.

Mr. Bentley demanded the previous question on the adoption of the resolution.

And on the question—“Shall the main question be now put?”

It was decided in the negative by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Able, Bailey, Barnett, Beall, Bennett, Bentley, Blackman, Busey, Carpenter, Cavarly, Courtright, Dougherty, Dunlap, English, Green, Hankins, Humphrey, Kelly, Laughlin, Lester, McGinnis, Menard, Moore, Odam, Oliver, Ormsbee, Reynolds, Scott, Turney, Webb, West, Wilson, and Mr. Speaker—33.

Those who voted in the negative, are,

Messrs. Archer, Baldwin, Bissell, Bradford, Brown of Vermilion, Canady, Cox, Crain, Cunningham, Darnielle, Denny, Dollins, Drummond, Edwards, Emmerson, Froman, Gillespie, Gridley, Hardin, Henderson, Hicks, Hull, Kitchell, Leary, Lincoln, Logan, McClernand, McClurken, McDonald, McLean, Minshall, Munsell, Murphy of Cook, Murphy of Perry, Olds, Parsons, Peck, Phelps, Phillips, Prentice, Ross, Shepley, Thornton, Threlkeld, Troy, Trumbull, Waters, Woodson, and Wood—49.

Mr. Olds moved the following as an amendment to the resolution:

*“And that the Hon. member who offered the petition, shall receive a proper reprimand from the Speaker, for having offered a direct insult to an Hon. member of this House, as well as the House itself;”* which,

On motion of Mr. Hardin,

Was laid on the table by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Able, Archer, Bailey, Beall, Bennett, Blackman, Bradford, Brown of Vermilion, Busey, Canady, Carpenter, Cavarly, Charles, Courtright, Cox, Cunningham, Darnielle, Denny, Dodge, Dougherty, Drummond, Dunlap, Edwards, Emmerson, English, Froman, Gillespie, Green, Hankins, Hardin, Henderson, Hull, Humphrey, Kelly, Laughlin, Leary, Lincoln, McDonald, McGinnis, McLean, Marshall, Menard, Minshall, Moore, Munsell, Odam, Oliver, Phelps, Phillips, Prentice, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, Wilson, Woodson, and Mr. Speaker—60.

Those who voted in the negative, are,

Messrs. Baldwin, Bissell, Crain, Dollins, Hicks, Kitchell, Lester, Logan, McClernand, McClurken, Murphy of Cook, Murphy of Perry, Olds, Ormsbee, Parsons, Peck, Ross, Scott, Shepley, Trumbull, Turney, and Wood,—22.

Mr. Murphy of Cook, moved to amend the resolution by striking out all after the word “resolved” and inserting as follows:

"That the inhabitants of McLean county, who signed a petition disrespectful to a member of this body, and which was presented to this House, have been guilty of a contempt of this House, and that said petition will not be entertained by this Assembly, but returned indignantly to the member who presented it;" which proposed amendment was accepted by the mover of the original resolution as a modification of his own resolution.

Mr. Hardin moved to amend by striking out all after the word "resolved" and inserting,

"That the petition be not received;" which,

On motion of Mr. Murphy of Cook,

Was laid on the table by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Baldwin, Barnett, Bentley, Bissell, Blackman, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, Drummond, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turney, Wilson, and Wood—49.

Those who voted in the negative, are,

Messrs. Archer, Beall, Bradford, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Edwards, Emmerson, Froman, Gillespie, Gridley, Hardin, Henderson, Hull, Lincoln, McLean, Menard, Minshall, Munsell, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, and Woodson—33.

Mr. Dollins demanded the previous question.

And on the question—"Shall the main question be now put?"

It was decided in the affirmative.

And the question being on the passage of the resolution,

It was decided in the affirmative, by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Able, Baldwin, Barnett, Bentley, Bissell, Blackman, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, Drummond, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turney, Wilson, and Wood—49.

Those who voted in the negative, are,

Messrs. Archer, Beall, Bradford, Brown of Vermilion, Canady, Cox, Cunningham, Darnielle, Denny, Edwards, Emmerson, Francis, Froman, Gillespie, Gridley, Hardin, Henderson, Hull, Lincoln, McLean, Menard, Minshall, Munsell, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, and Woodson—33.

When,

On motion,

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Murphy of Cook, on leave, offered for adoption the following resolution:

*Resolved*, That the select committee created by this House, for the purpose of investigating the accounts of the late Board of Public Works, have also power to enquire into the nature and situation of all the public property belonging to the system of internal improvement, the value and situation of the same at the time the duties of the late Board of Public Works commenced, and the value and situation of the same at the present time.

*Resolved also*, That they be allowed to employ necessary clerks to prepare the accounts of said board in proper form for investigation.

Mr. Henderson moved to amend the resolution by striking out all after the word "resolved" and inserting the following:

"That the select committee appointed for the purpose of investigating the accounts of the late Board of Public Works be discharged from the further consideration of the subject."

*Resolved*, That the committee on Internal Improvement are hereby instructed to investigate all the accounts, acts, and doings of the late and former Boards of Internal Improvements in a thorough and proper manner, and by their report, to inform this House what is the true state of the liabilities of the State of Illinois upon the whole system of Internal Improvements, and upon each particular road or river, and each particular kind of work; what has been paid for the right of way, and to whom; what contract has been let, and by what board, and when, and the amount; what contracts have been completed, abandoned or continued; what damages allowed on contracts abandoned, and to whom; the amount of iron and all other materials on hand, where situated, and in whose care, and all other information which said committee may deem necessary and proper for the purpose of embodying in one report the whole subject; and that said committee have leave to use all such former reports and documents as they may rely on in making their report; and that said committee are fully authorized to send for persons and papers, and to administer oaths, and do and perform all other things necessary and proper, touching the premises, and that said committee be authorized, if necessary, to employ a clerk."

Mr. Ormsbee moved to lay the proposed amendment on the table.

Mr. Dodge demanded a call of the House; pending the call of the House,

The bill for "An act authorizing the Governor to make a deed," was taken up for consideration, and

*Ordered* to be engrossed.

Also, the bill for "An act fixing the time of holding courts in the sixth judicial circuit," was taken up for consideration, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

On motion of Mr. English,

Further proceedings under the call of the House were dispensed with; and the House resumed the consideration of the resolution offered by Mr. Murphy of Cook.

And the question recurring on the motion of Mr. Ormsbee, to lay the proposed amendment thereto on the table,

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Baldwin, Bentley, Bissell, Busey, Blackman, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, Dunlap, Edwards, English, Green, Hankins, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClurken, McClermand, McDonald, McGinnis, McLean, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Peck, Phillips, Prentice, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, Wilson, Wood, and Mr. Speaker—50.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Drummond, Emmerson, Francis, Froman, Gillespie, Gridley, Hardin, Henderson, Hicks, Hull, Lincoln, Menard, Minshall, Munsell, Phelps, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, and Woodson—36.

Mr. Ormsbee moved the previous question, which was sustained; when the resolution, as offered by Mr. Murphy of Cook, was agreed to.

At the request of the Speaker, the consideration of the Senate resolutions in relation to the Cumberland Road, now in committee of the Whole House, was postponed until to-morrow, at 2 o'clock, P. M.; and

On motion of Mr. Ross,

The House now resolved itself into the committee of the Whole,

Mr. Woodson in the chair, on the resolutions from the Senate, in relation to apportionment of representation.

And after some time spent therein, the committee rose, reported progress, and obtained leave to sit again.

Mr. Wilson, on leave, introduced a bill for "An act to prevent any assessment of damages in consequence of the location of railroads where the land has not been actually used for the construction of such railroads;" which was read the first time, and the second time by its title; and

On motion of Mr. Turney,

Referred to the committee on Internal Improvements.

Mr. Leary, on leave, introduced a bill for "An act to amend an act, entitled 'An act in relation to special bail;'" approved, January 26, 1827; which which was read the first time, and

*Ordered* to a second reading.

Mr. Ormsbee, on leave, introduced a bill for "An act for the specific execution of contracts in relation to the payment of interest;" which was read the first time, and

*Ordered* to a second reading.

Mr. Archer, on leave, introduced a bill for "An act to extend the location of the Darwin and Charleston turnpike, from Charleston to Springfield;" which was read the first time, and

*Ordered* to a second reading.

Mr. Gillespie, on leave, introduced a bill for "An act changing a town plat therein named;" which was read the first time, and the second time by its title, and

*Ordered* to be engrossed.

Mr. Lester, on leave, introduced a bill for "An act to authorize the county commissioners of Brown county to appoint an assessor;" which was read the first time, and

*Ordered* to a second reading.

Mr. Dodge, on leave, introduced a bill for "An act to authorize the construction of a railroad from La Salle, in La Salle county, to Dixon, in Lee county, and for chartering a company with authority to construct said road, to be called the Illinois and Rock River Railroad Company"; which was read a first time and second time, by its title; and on his motion, referred to the committee on Banks and other Corporations.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives, that they have passed a bill of the following title, viz:

A bill for "An act to re-organize the Judiciary of the State of Illinois."

In the passage of which they ask the concurrence of the House of Representatives.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have adopted the following resolutions, viz:

*Resolved by the Senate and House of Representatives,* That the Attorney General be instructed to commence immediate proceedings against E. G. Nichols, Smith Gilbraith, and Sanger, for money fraudulently obtained from the State of Illinois.

*Resolved,* That the Attorney General be instructed to institute suit upon the bond of John Dixon, late Commissioner of Public Works, for a breach of his bond in signing the contract for the improvement of the Upper Rapids on Rock River, dated 8th June, 1839, as well as for any other liabilities.

In the passage of which they ask the concurrence of the House of Representatives.

A message from the Senate, by Mr. Stapp, a Senator:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have concurred with them in the adoption of a resolution, recommending to the Electors of this State, at the next general election for members of the General Assembly, to vote for or against a convention to amend the Constitution of this State.

Those voting in the affirmative, are,

Messrs. Allen, Baker, Churchill, Cullom, Evans, Fithian, Feaman, Gatewood, Hamlin, Harrison, Henry, Houston, Hunter, Kilpatrick, Little, Markley, Monroe, Moore, Nunnally, Parish, Richardson, Ross, Sargeant, Slocumb, Stadden, Stapp, Warren and Witt—28.

Those voting in the negative, are,

Messrs. Davidson, Gaston, Hacker, Harris, Herndon, James, Johnston, Pearson, and Wood—9.

When,

The House adjourned.

TUESDAY, JANUARY 12, 1841.

House met pursuant to adjournment.

Mr. Bennett presented the petition of sundry citizens of Menard county; which, without reading, on his motion, was referred to the committee on Claims.

Mr. Ross presented the petition of sundry citizens of the county of Fulton; which was read, and on his motion, referred to the committee on the Judiciary.

Mr. Waters presented the petition of the collector of Pope county; which was read, and on his motion, referred to a select committee.

*Ordered*, That Messrs. Waters, Oliver, and Dollins be said committee.

Mr. Green presented the petitions of citizens of the counties of Lawrence and Clay, for the formation of a new county;

Also, the petition of citizens of Clay, for the re-location of the county seat of said county; which, without reading, on his motion, were referred to a select committee.

*Ordered*, That Messrs. Green, Wilson, McLean, Dunlap, and Hankins be said committee.

Mr. Wilson presented the petition of citizens of the county of Jasper, for a division of said county; which, on his motion, without reading, was referred to the same select committee to which was referred the petitions for a new county from the counties of Clay and Lawrence.

Mr. Bentley presented the petition of citizens of Bond and Madison counties; which, without reading, on his motion, was referred to the committee on Counties.

Mr. Reynolds presented the petition of citizens of Madison county, in relation to the Cumberland road; which, without reading, on his motion, was committed to the committee of the Whole House to which was referred the Senate resolution on the same subject.

Mr. Drummond presented the petition of sundry citizens of Whiteside county; which, without reading, on his motion, was referred to the committee on Internal Improvements.

Also, the petition of citizens of Chatham, Whiteside county; which, without reading, on his motion, was referred to a select committee.

*Ordered*, That Messrs. Drummond, Leary, and Crain be said committee.

Mr. Drummond also presented the petition of Melissa Trask for a divorce; which was read, and on his motion, was referred to a select committee.

*Ordered*, That Messrs. Thornton, West, and Parkinson be said committee.

Mr. Phillips presented the petition of citizens of Hamilton county; which without reading, on his motion, was referred to the committee on Canals and Canal Lands.

Mr. Leary presented the petition of Henry Rhines, and Adam Berg, signed by the Mayor and Common Council of Chicago, and two hundred citizens of Cook county, praying that relief be granted to the said Rhines



and Berg; which, without reading, on his motion, was referred to the committee on Canals and Canal Lands.

Mr. Leary, from the committee on Engrossed Bills, reported as correctly engrossed a bill for "An act fixing the time of holding the circuit courts in the first Judicial Circuit."

Mr. Ross, from the committee on Finance, to which was referred the bill for "An act to require the collectors of the public revenue to receive and pay Auditor's warrants," reported the same back to the House with an amendment as a substitute; which was read, and

Mr. Peck moved to amend the amendment of the committee by inserting the word "complete" before the word "payment," in the fourteenth line, and the word "first" before the word "paid," in the nineteenth line of the second section; which was agreed to.

Mr. Woodson moved to amend the first section by striking out the words "issued since the first of December, 1840;" which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Drummond, Edwards, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Hull, Lincoln, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Thornton, Threlkeld, Troy, Waters, Webb, West, and Woodson—38.

Those who voted in the negative, are,

Messrs. Able, Baldwin, Barnett, Bentley, Bissell, Blackman, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, Dunlap, Emmerson, English, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Prentice, Reynolds, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, Wilson, Wood, and Mr. Speaker.—50.

Mr. Dollins moved to refer the bill and proposed amendments to the committee on the Judiciary; which was not agreed to.

Mr. Cavarly moved that the bill and proposed amendments be laid upon the table; which was not agreed to.

On motion of Mr. Trumbull,

The report of the committee was amended by striking out the second section, and inserting the following:

"SEC. 2. That in the payment of warrants, the collector shall pay them off according to the priority of their presentation; and if at any time the collector shall not have sufficient funds in his hands belonging to the State to discharge all the warrants presented, he shall take up said warrants so far as the monies of the State in his hands will enable him to do so; *Provided*, That no partial payment shall be made upon any warrant, unless the collector has sufficient funds to completely discharge the same; but he shall note upon said warrant the time of its presentation, and pay off and discharge the same so soon as he has sufficient funds for that purpose: *Provided, also*, He shall receive sufficient funds, and the said warrant shall be again presented before the time prescribed by law for collectors to make their settlement with the Auditor."

Mr. Charles moved to amend the report by striking out the words, "be in force from and after its passage," and insert "and continue in force for three months;" which,

On motion of Mr. Murphy of Cook,

Was laid on the table, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Bailey, Baldwin, Barnett, Beall, Bentley, Bennett, Bissell, Blackman, Brown of Sangamon, Brown of Vermilion, Canady, Carpenter, Cavarly, Courtright, Crain, Cunningham, Denny, Dodge, Dollins, Dougherty, Dunlap, Emmerson, English, Froman, Funk, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Ross, Scott, Shepley, Threlkeld, Trumbull, Turney, Waters, West, Wheeler, Wilson, Wood, and Mr. Speaker—61.

Those who voted in the negative, are,

Messrs. Archer, Bradford, Busey, Charles, Cox, Darnielle, Edwards, Francis, Gillespie, Gridley, Hardin, Henderson, Hull, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Prentice, Reynolds, Webb, and Woodson—24.

Mr. Olds demanded the previous question; which was not sustained, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Baldwin, Barnett, Bentley, Blackman, Busey, Carpenter, Courtright, Crain, Dodge, Dunlap, Hankins, Hicks, Humphrey, Laughlin, Leary, Lester, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Ormsbee, Parsons, Peck, Prentice, Reynolds, Scott, Shepley, Trumbull, Turney, Wheeler, Wilson, Woodson, and Mr. Speaker—39.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bissell, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Dollins, Drummond, Edwards, Emmerson, English, Francis, Froman, Funk, Gillespie, Green, Gridley, Hardin, Henderson, Hull, Kelly, Kitchell, McLean, Menard, Minshall, Munsell, Oliver, Parkinson, Phelps, Phillips, Ross, Thornton, Thielkeld, Troy, Waters, Webb, West, and Wood—46.

Mr. Brown of Vermilion, moved to amend the report by adding the following as an additional section:

"That the holders of scrip, for services rendered the State on the public works, or otherwise rendered the State by them, shall be entitled to all the benefits of this bill."

Mr. Murphy of Cook moved that the proposed amendment be laid upon the table; when,

On motion,

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

The Speaker laid before the House a communication from the President of the State Bank of Illinois, in answer to a call of the House; which was read,

And Mr. Henderson moved to lay the report on the table, and print one thousand copies thereof; which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bentley, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Dougherty, Edwards, Emmerson, Francis, Gillespie, Green, Gridley, Hardin, Henderson, Hull, McLean, Menard, Munsell, Parkinson, Phelps, Phillips, Reynolds, Ross, Thornton, Threlkeld, Turney, and Webb—35.

Those who voted in the negative, are,

Messrs. Able, Baldwin, Barnett, Bissell, Blackman, Busey, Carpenter, Cavarly, Courtright, Dodge, Dollins, Dunlap, English, Francis, Hicks, Humphrey, Kitchell, Laughlin, Leary, Lester, Lincoln, Logan, McClermand, McClurken, McDonald, McGinnis, Marshall, Minshall, Moore, Murphy of Cook, Murphy of Perry, Olds, Odam, Oliver, Ormsbee, Parsons, Prentice, Scott, Shepley, Troy, Trumbull, Waters, Wheeler, Wilson, Woodson, and Mr. Speaker—46.

When,

On motion of Mr. Murphy of Cook,

The communication was referred to the committee on Banks and other Corporations.

On motion of Mr. Gillespie,

The House now resolved itself into committee of the Whole, on the Senate resolution in relation to the Cumberland road, Mr. Bissell in the Chair; and after some time spent therein, the committee rose, reported progress, and obtained leave to sit again.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have adopted a memorial to the Congress of the United States, recommending the city of Cairo, in the county of Alexander, and State of Illinois, as a suitable place for the erection of a Marine Hospital.

In the adoption of which bills they ask the concurrence of the House of Representatives; when,

On motion,

The House adjourned.

WEDNESDAY, JANUARY 13, 1841.

House met pursuant to adjournment.

Mr. Drummond presented the petition of M. Smith, for a divorce; which, without reading, on his motion, was referred to the same select committee to which was referred the petition of Melissa Trask, on the same subject.

Also, the memorial of the Illinois Education Society; which was read, and Mr. Edwards moved that the same be laid on the table, and one thousand copies thereof be printed.

And a division of the question being demanded, the memorial was laid on the table, and the motion to print one thousand copies was not agreed to.

Mr. Peck moved that 500 copies be printed; which was not agreed to; when,

On motion of Mr. Bissell,

One hundred and fifty copies were ordered to be printed, by yeas, and as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Barnett, Beall, Bennett, Bentley, Bissell, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Cavarly, Charles, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Dunlap, Edwards, Emmerson, English, Francis, Froman, Funk, Gillespie, Green, Henderson, Hull, Laughlin, Leary, McClernand, McLean, Minshall, Munsell, Murphy of Cook, Odam, Olds, Parkinson, Peck, Phelps, Phillips, Reynolds, Ross, Thornton, Threlkeld, Troy, Waters, Webb, West, Wilson, Woodson, and Mr. Speaker—56.

Those who voted in the negative, are,

Messrs. Able, Blackman, Carpenter, Courtright, Crain, Dollins, Hankins, Hicks, Kelly, Kitchell, Lester, Logan, McClurken, McGinnis, Marshall, Menard, Moore, Murphy of Perry, Parsons, Scott, Shepley, Trumbull, Turney, Wheeler, and Wood—26.

Mr. Murphy of Cook presented the petition of citizens of Lake county, praying the re-location of the county seat of said county; which, without reading, on his motion, was referred to the committee on Counties.

Mr. Bailey presented the petition of citizens of McDonough county; which, without reading, on his motion, was referred to the committee on State Roads.

Mr. Trumbull presented the petition of the President and Trustees of the town of Belleville, in the county of St. Clair; which, without reading, on his motion, was referred to the committee on Banks and other Corporations.

Mr. Crain, from the committee on Engrossed Bills, reported as correctly engrossed, the bill for "An act authorizing the Governor to make a deed."

Mr. Leary, from the same committee, reported as correctly engrossed, bills for

"An act for the formation of the county of Mason," and

"An act changing a town plat therein named."

The bill for "An act to require collectors of the public revenue to receive and pay Auditor's warrants," coming up for consideration, the amendment proposed by Mr. Brown of Vermilion to the report of the committee on Finance was laid on the table, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Barnett, Beall, Bennett, Bentley, Bissell, Bradford, Brown of Sangamon, Busey, Canady, Cavarly, Charles, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Dunlap, Edwards, Emmerson, English, Francis, Froman, Funk, Gillespie, Green, Henderson, Hull, Laughlin, Leary, McClernand, McLean, Minshall, Munsell, Murphy of Cook, Odam, Olds, Parkinson, Peck, Phelps, Phillips, Reynolds, Ross, Thornton, Threlkeld, Troy, Waters, Webb, West, Wilson, Woodson, and Mr. Speaker—55.

Those who voted in the negative, are,

Messrs. Able, Blackman, Carpenter, Courtright, Crain, Dollins, Hankins, Hicks, Kelly, Kitchell, Lester, Logan, McClurken, McGinnis, Marshall, Menard, Moore, Murphy of Perry, Parsons, Scott, Shepley, Trumbull, Turney, Wheeler, and Wood—26.

Mr. Munsell moved to amend the report of the Finance committee by adding an additional section, as follows:

*"Be it further enacted,* That it shall be the duty of the Auditor of State, forthwith, after the passage of this act, to notify the collectors of the several counties in this State of the amount of school fund to be distributed this winter under the existing laws in their respective counties; and on the receipt of such notice from the Auditor, it shall be the duty of said collectors to pay over to the school commissioners of the proper counties the amount so due the school fund, or so much thereof as he may have in his hands, belonging to the State, and shall from time to time continue to pay over, until the amount due is paid. Said sum due and owing to the school fund shall have priority of all Auditor's warrants, whether endorsed or not endorsed by said collector."

Mr. Shepley moved to lay the proposed amendment on the table; which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Barnett, Bentley, Blackman, Busey, Dunlap, Marshall, Moore, Murphy of Cook, Olds, Peck, Shepley, Trumbull, and Wood—14.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bissell, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Carpenter, Cavarly, Charles, Courtright, Cox, Crain, Cunningham, Darnielle, Denny, Dollins, Edwards, Emmerson, English, Francis, Froman, Funk, Gillespie, Gridley, Hankins, Hardin, Henderson, Hicks, Hull, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClurken, McGinnis, Menard, Minshall, Munsell, Murphy of Perry, Odam, Oliver, Ormsbee, Parkinson, Parsons, Phelps, Phillips, Prentice, Reynolds, Ross, Scott, Thornton, Threlkeld, Troy, Turney, Waters, Webb, West, Wheeler, Wilson, Woodson, and Mr. Speaker—66.

Mr. Turney moved to lay the bill and proposed amendments on the table; which was not agreed to.

Mr. Dollins moved that the bill and proposed amendments be referred to the committee on Education; which was not agreed to.

And the amendment proposed by Mr. Munsell was agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Bennett, Bentley, Bissell, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Carpenter, Cavarly, Charles, Courtright, Cox, Crain, Cunningham, Darnielle, Denny, Dollins, Drummond, Edwards, Emmerson, English, Francis, Froman, Funk, Gillespie, Gridley, Hankins, Hardin, Henderson, Hicks, Hull, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClurken, McClernand, McGinnis, Me-nard, Minshall, Moore, Munsell, Murphy of Perry, Oliver, Ormsbee, Parkinson, Parsons, Phelps, Phillips, Prentice, Reynolds, Ross, Scott, Thornton, Threlkeld, Troy, Trumbull, Turney, Waters, Webb, West, Wheeler, Wilson, Woodson, and Mr. Speaker—69.

Those who voted in the negative, are,

Messrs. Able, Barnett, Blackman, Busey, Dunlap, Marshall, Murphy of Cook, Olds, Peck, and Wood,—10.

On motion of Mr. Charles,

The first section of the report was amended by inserting after the words "eighteen hundred and forty," the following:

"And also, for warrants issued to assessors for services rendered in the assessment of property, for the said year 1840."

Mr. Archer moved to further amend the report by striking out the words "eighteen hundred and forty," and inserting the words "eighteen hundred and thirty-nine."

On motion of Mr. Dollins,

(The rules of the House being dispensed with,)

*Resolved*, That the Treasurer of State be directed to inform the House of Representatives of the aggregate amount of the school, college, and seminary fund, the amount of each of the funds distinctly, and what amount of each of the respective funds are now on hand and available, the various periods and amounts at which the State, by her proper agents, have received these funds since the first day of January, 1837; likewise, where the same is now deposited, what kind of funds the same consists of; also, whether the State receives any interest for said deposits, or pays an interest to deposite the same, as the case may be, and that the Treasurer report thereon as early as practicable."

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that they have passed bills of the following titles, viz:

A bill for "An act to insure the payment of a bounty on wolf scalps;"

A bill for "An act to authorize the county commissioners' court of Ogle county to levy and collect a tax;"

A bill for "An act to amend the several acts to extend the corporate limits of the town of Peoria;"

A bill for "An act to incorporate the Cairo City Mills;"

In the passage of which they ask the concurrence of the House of Representatives.

Mr. Murphy of Cook, from the committee on Banks and other Corporations, to which was referred the bill for "An act to incorporate a Medical College to be located in St. Charles, or Clinton, in Kane county, by a vote

of the Trustees," reported the same back to the House, and recommended its rejection; when the bill was refused to be read the third time.

Mr. Cavarly, from the Judiciary committee, to which was referred the bill for "An act to create a permanent Board of Auditors, &c.," reported the same back to the House with amendments; which were read.

And Mr. Archer moved to amend the report by inserting after the word "same," in the 18th line of the 2d section, the following:

"And on settlement with said contractors, the said Auditors are hereby authorized and required to draw a draft or drafts on the Fund Commissioner in favor of such individuals for the amount severally due, bearing interest, at the rate of six per cent. per annum, from date until paid, and which drafts may be subdivided into sums of not less than one hundred dollars."

Mr. Ormsbee moved to lay the bill and proposed amendments on the table; which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Blackman, Busey, Carpenter, Courtright, Crain, Dollins, Dougherty, English, Hankins, Hardin, Hull, Laughlin, Lester, McClurken, McGinnis, Menard, Moore, Munsell, Odam, Oliver, Ormsbee, Parsons, Peck, Ross, Threlkeld, Trumbull, Turney, West, Wheeler, Wilson, Mr. Speaker—31.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bentley, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Cavarly, Charles, Cox, Cunningham, Darnielle, Denny, Dodge, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Green, Gridley, Henderson, Kitchell, Leary, McLean, Minshall, Murphy of Cook, Parkinson, Phelps, Phillips, Prentice, Reynolds, Shepley, Thornton, Troy, Waters, Webb, and Woodson—42.

When,

On motion,

The House adjourned to 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

On motion of Mr. English,

The House now resolved itself into committee of the Whole, Mr. Woodson in the Chair, on the Senate resolutions in relation to apportionment of representation in the State Legislature; and after some time spent therein, the committee rose, and reported that resolution back to the House with an amendment, proposing to strike out five thousand as the basis of representation in the House of Representatives, and insert four thousand five hundred;

And the question being on concurring with the committee of the Whole House in their amendment,

Mr. Dollins demanded a call of the House, and pending the call of the House, the Senate resolutions requiring the Attorney General to commence suits against John Dixon and others, were read, and,

On motion of Mr. Hardin,

Referred to the committee on the Judiciary.

On motion of Mr. Webb,

Senate bill for "An act to amend an act, entitled, 'An act to incorporate the town of Carmi,'" approved January 30th 1840,

Was taken up and read the first time, and second time by its title, and on the further motion of Mr. Webb, referred to a select committee.

*Ordered*, That Messrs. Turney, Webb, and Emmerson be said committee.

Mr. Carpenter, on leave, from the committee on Counties, to which was referred the Senate bill for "An act to establish the county of Henderson," reported the same back to the House without amendment, and the bill was

*Ordered* to be read the third time.

Mr. English, on leave, from the select committee to which was referred the petition of Elizabeth Hart, reported a bill for "An act for the relief of Elizabeth Hart;" which was read the first time, and the second time by its title, and

*Ordered* to be engrossed.

Senate bill for "An act to define the bounds of Boone county," was read the first time, and the second time by its title, and

On motion of Mr. Murphy of Cook,

Referred to the committee on Counties.

Engrossed bill for "An act for the formation of the county of Mason," was read the third time and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

The Door-keeper having reported, the House resumed the consideration of the Senate resolution in relation to the apportionment of representation.

Mr. Webb moved to amend the report of the committee of the Whole House, by striking out four thousand five hundred, and inserting four thousand; which was agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Barnett, Beall, Bentley, Bissell, Brown of Vermilion, Busey, Carpenter, Courtright, Crain, Dollins, Drummond, Emmerson, Green, Gridley, Hankins, Henderson, Hicks, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McDonald, McGinnis, Menard, Minshall, Munsell, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parkinson, Parsons, Peck, Phelps, Prentice, Scott, Waters, Webb, West, Wheeler, White, and Mr. Speaker—47.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Baldwin, Bennett, Blackman, Bradford, Brown of Sangamon, Cavarly, Charles, Cox, Cunningham, Darnielle, Denny, Dougherty, Dunlap, Edwards, English, Francis, Gillespie, Hardin, Hull, Humphrey, McClurken, McLean, Marshall, Moore, Reynolds, Ross, Shepley, Thornton, Threlkeld, Troy, Trumbull, Turney, Wilson, Woodson, and Wood—37.

And on concurring with the report of the committee of the Whole, as amended,

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Barnett, Beall, Bentley, Bissell, Busey, Carpenter, Courtright, Crain, Dollins, Drummond, Emmerson, Green, Gridley, Hankins,



Hardin, Henderson, Hicks, Humphrey, Kitchell, Laughlin, Leary, Lester, Logan, McDonald, McGinnis, Menard, Minshall, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parkinson, Parsons, Peck, Phelps, Prentice, Scott, Troy, Waters, Webb, West, Wheeler, White, and Mr. Speaker—47.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Baldwin, Bennett, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Cavarly, Charles, Cox, Cunningham, Darnielle, Denny, Dougherty, Dunlap, Edwards, English, Francis, Gillespie, Hull, McClernand, McClurken, McLean, Marshall, Moore, Munsell, Reynolds, Ross, Shepley, Threlkeld, Trumbull, Turney, Wilson, Woodson, and Wood—36.

When the resolution, as amended, was agreed to,

*Ordered*, That the Clerk inform the Senate thereof, and ask their concurrence in the resolution, as amended.

Engrossed bill for "An act to authorize Samuel M. Bowman to build a dam across Rock river, and for other purposes therein named," was read the third time, and passed, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Cavarly, Charles, Courtright, Darnielle, Dougherty, Drummond, Dunlap, Edwards, Emmerson, English, Francis, Gillespie, Gridley, Henderson, Hull, Humphrey, Logan, McLean, Menard, Minshall, Munsell, Odam, Parkinson, Parsons, Phelps, Prentice, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, Wheeler, White, Woodson, and Wood—44.

Those who voted in the negative, are,

Messrs. Baldwin, Barnett, Bennett, Bentley, Bissell, Blackman, Carpenter, Cox, Crain, Cunningham, Denny, Dollins, Green, Hankins, Hardin, Hicks, Kitchell, Laughlin, Leary, Lester, McClernand, McClurken, McDonald, Marshall, Moore, Murphy of Perry, Olds, Oliver, Peck, Ross, Scott, Shepley, Trumbull, Turney, and Mr. Speaker—35.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

House bill for "An act for the formation of the county of Piatt," was read the second time by its title, and,

On motion of Mr. Barnett,

Amended by striking out all of the seventh section after the word "located;" when the bill was read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

House bill for "An act to extend the boundaries of Cass county," was read the second time; when,

On motion,

The House adjourned.

## THURSDAY, JANUARY 14, 1841.

House met pursuant to adjournment.

Mr. Dodge presented the petition of citizens of De Kalb county; which, without reading, on his motion, was referred to the committee on State Roads.

Mr. Barnett presented the petition of citizens of Macon and Shelby counties, for a new county; which, without reading, on his motion, was referred to the committee on Counties.

Mr. Hicks presented the petition of citizens of Jefferson county; which, without reading, on his motion, was referred to the committee on State Roads.

Mr. Green presented the petition of citizens of Clay county; which, without reading, on his motion, was referred to a select committee.

*Ordered*, That Messrs. Green, Odum, and Crain be said committee.

Mr. White presented the petition of citizens of Christian and Macon counties; which, without reading, on his motion, was referred to a select committee.

*Ordered*, That Messrs. White, Prentice, and Darnielle be said committee.

Mr. Drummond, from the committee on the Judiciary, offered for adoption the following resolution:

*Resolved*, That the Senate be respectfully requested to transmit to this House the report of the select committee of the Senate appointed to investigate the lettings at the Upper Rapids of Rock river, together with all the evidence and documents accompanying the same;" which was agreed to.

Mr. Denny, on leave, offered for adoption the following resolution:

*Resolved*, That the committee on Agriculture and Manufactures be instructed to enquire into the expediency of adopting some system of collecting the agricultural statistics of the State, and also, whether it is proper at this time to adopt any legislation directly touching the agricultural interest of the State; and to report by bill or otherwise;" which was agreed to.

Mr. Hardin, from the committee on the Judiciary, offered for adoption the following resolution:

*Resolved by the House of Representatives, the Senate concurring herein*, That a committee of conference of the two Houses be appointed, to consist of five members of the House, and three members of the Senate, upon the disagreeing vote of the two Houses on the joint resolution providing for a revision and digest of the laws of this State; which was agreed to.

*Ordered*, That Messrs. Hardin, Trumbull, Dougherty, Bissell, and Drummond be said committee.

Mr. Kitchell from the committee on the Judiciary, to which was referred the bill for "An act to provide for the re-organization of the probate courts," reported the same back to the House, and recommended its rejection: and the bill was refused to be engrossed for a third reading.

Mr. Kitchell, from the same committee to which was referred a petition of citizens of Tazewell county, for the abolition of all laws which deny

to certain persons the right of trial by jury, reported the same back to the House, and was discharged from the further consideration of the same.

Mr. Webb, from the committee on the Judiciary, to which was referred the bill for "An act to authorize limited partnerships," reported the same back to the House, and recommended its rejection.

And the bill was refused to be engrossed for a third reading.

Mr. Carpenter, from the committee on Counties, to which was referred the bill for "An act to extend the limits of Bond county," reported the same back to the House with amendments; which were read and concurred in, and the bill

*Ordered* to be engrossed.

The bill for "An act to create a permanent Board of Auditors, &c;" coming up for consideration,

The question being on agreeing to the amendment proposed by Mr. Archer,

On motion of Mr. English,

The bill and proposed amendments were referred to the committee on Finance.

Mr. Peck, from the committee on Canals and Canal Lands, to which was referred the bill for "An act to reimburse the internal improvement fund for advancements made to the canal fund," together with an amendment, as a proviso, reported the same back to the House with an amendment to the proposed amendment; which was read and concurred in, by yeas and nays, as follows :

Those who voted in the affirmative, are,

Messrs. Able, Bentley, Bissell, Blackman, Busey, Carpenter, Court-right, Crain, Dodge, Dollins, Dougherty, Dunlap, English, Green, Hankins, Henderson, Hicks, Hull, Humphrey, Laughlin, Leary, Logan, McClermand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Oliver, Ormsbee, Parsons, Peck, Prentice, Scott, Shepley, Turney, Wheeler, Wilson, and Mr. Speaker—42.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Edwards, Emmerson, Francis, Froman, Funk, Gridley, Hardin, Kitchell, Lester, McLean, Menard, Minshall, Munsell, Olds, Parkinson, Phelps, Phillips, Reynolds, Ross, Thornton, Threlkeld, Troy, Waters, Webb, West, and Woodson—39.

And the bill, as amended, was

*Ordered* to be read the third time.

A message from the Senate, by Mr. Cloud:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives, that they have adopted the following resolutions, to wit:

*Resolved by the Senate, the House of Representatives concurring herein,* That the two Houses will meet in the Hall of the House of Representatives on Saturday, the 16th inst., at 2 o'clock, P. M., for the purpose of electing one Fund Commissioner, one Auditor of Public Accounts, a State Treasurer, and Public Printer.

In the passage of which they ask the concurrence of the House of Representatives.

Mr. Webb, from the committee on the Judiciary, to which was referred the bill for "An act to require the collectors of the public revenue to receive and pay Auditor's Warrants," together with the amendments of the Finance Committee, as amended by the House, reported the same back to the House, with amendments; which were read and rejected.

Mr. Bissell moved to amend the report of the committee on Finance as follows:

"Strike out all after the enacting clause, and insert the following, to wit:

"That the Treasurer of the State of Illinois is hereby authorized and directed to pay out of the first monies received into the treasury, first, the amount of the civil list due and becoming due up to the second quarter of the present year; and secondly, the amount due the school fund, as is now or may hereafter be provided by law; and for this purpose the said treasurer is hereby empowered and authorized to borrow a sum sufficient for the purposes contemplated in this act, at an interest of six per cent. per annum, payable at the pleasure of the State, out of the monies due and becoming due for the taxes of 1840-41."

"SEC. 2. That from and after the passage of this act, it shall not be lawful for any collector of the public revenue to purchase Auditor's Warrants."

Which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Bentley, Bissell, Blackman, Busey, Carpenter, Courtright, Crain, Dodge, Dollins, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kitchell, Leary, Lester, Logan, McClurken, McDonald, McGinnis, Moore, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Prentice, Scott, Shepley, Turney, Wheeler, and Wood—37.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Barnett, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Hull, Laughlin, McClermand, McLean, Marshall, Menard, Minshall, Munsell, Murphy of Cook, Parkinson, Phelps, Phillips, Reynolds, Ross, Thornton, Threlkeld, Troy, Trumbull, Waters, Webb, West, White, Wilson, Woodson, and Mr. Speaker—49.

When the report of the committee on Finance, as amended, was agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Archer, Baldwin, Beall, Bennett, Bentley, Bissell, Busey, Carpenter, Charles, Courtright, Crain, Denny, Dodge, Dollins, Emmerson, English, Green, Hankins, Hicks, Humphrey, Kitchell, Laughlin, Leary, Lester, Logan, McClurken, McDonald, McGinnis, Moore, Munsell, Murphy of Cook, Murphy of Perry, Odam, Ormsbee, Parsons, Peck, Prentice, Reynolds, Ross, Scott, Shepley, Turney, Wheeler, and Wilson—45.

Those who voted in the negative, are,

Messrs. Bailey, Barnett, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Cox, Cunningham, Darnielle, Dougherty, Drummond, Dunlap, Edwards, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Hull, McClermand, McLean, Marshall, Menard, Minshall, Olds, Oliver, Parkinson, Phelps, Phillips, Thornton, Threlkeld,

Trumbull, Waters, Webb, West, White, Woodson, Wood, and Mr. Speaker—42.

And on ordering the bill to be engrossed for a third reading,

It was decided in the negative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Archer, Baldwin, Bennett, Bentley, Bissell, Busey, Carpenter, Courtright, Crain, Dodge, Dollins, Emmerson, English, Green, Hankins, Hicks, Humphrey, Kitchell, Laughlin, Leary, Lester, Logan, McDonald, McGinnis, Moore, Munsell, Murphy of Cook, Murphy of Perry, Odam, Ormsbec, Parsons, Peck, Prentice, Reynolds, Ross, Scott, Shepley, Turner, Wheeler, Wilson, and Mr. Speaker—42.

Those who voted in the negative, are,

Messrs. Bailey, Barnett, Beall, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Dougherty, Drummond, Dunlap, Edwards, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Hull, McClelland, McClurken, McLean, Marshall, Menard, Minshall, Olds, Oliver, Parkinson, Phelps, Phillips, Thornton, Threlkeld, Troy, Trumbull, Waters, Webb, West, White, Woodson and Wood—45.

A message from the Senate, by Mr. Stapp, a Senator:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives, that they have passed the following resolution:

*Whereas* Alexander Bielaski, civil engineer, executed, while in the service of the State, a map of the State of Illinois, which evinces great skill on his part, and presents in an admirable manner, the geographical and topographical character of the State; therefore,

*Resolved by the Senate, the House of Representatives concurring herein,* That Mr. Bielaski be permitted to have the custody of said map for such term as he may require, for the purpose of having the same published.

In the adoption of which, they ask the concurrence of the House of Representatives.

Mr. Peck, from the committee on Finance, to which was referred a certain resolution; reported a bill for "An act in relation to incorporated towns and cities in this State;" which was read the first time, and the second time by its title, and

On motion of Mr. Murphy of Cook,

Amended by adding the following:

"And also, that any part of said acts which requires a property qualification, either for the eligibility of the officers, or for the voters, be and the same is hereby repealed;" when, the bill as amended, was

*Ordered* to be engrossed.

Mr. Odam, from the select committee to which was referred a certain petition, reported a bill for "An act to incorporate the town of Marion;" which was read the first and second times by its title; and

On motion of Mr. Odam,

Referred to the committee on Banks and other Corporations.

On motion of Mr. English,

The committee of the Whole were discharged from the further consideration of the bill for "An act to repeal all acts authorizing the prosecution of the Internal Improvement System."

Mr. Francis, from the select committee to which was referred the bill for "An act for the relief of the creditors of the late William Wernwag," reported the same back to the House with amendments; which were read and concurred in, and the bill, as amended,

*Ordered to be re-engrossed.*

Mr. Dodge, from the select committee to which was referred a certain petition, reported a bill for "An act to establish a Ferry across the Illinois river, at Peoria;" which was read the first time, and

*Ordered to a second reading.*

Mr. Prentice, from the select committee to which was referred the petition of Nathan Low, reported a bill for "An act for the relief of Nathan Low;" which was read the first time, and

*Ordered to a second reading.*

Mr. Dodge, on leave, offered for adoption the following:

*Resolved*, That the committee on the Judiciary be required immediately to examine and enquire into the expediency of examining the act entitled "An act to amend the several acts incorporating the town of Galena;" approved, February 15, 1839, as follows, to wit:

In section 5 of said act, line one from bottom, strike out the words, "a citizen of the United States."

SEC. 6. In line 6 from the top, strike out the words "and shall be a citizen of the United States," and also in line one from bottom, the words "and a citizen of the United States."

SEC. 7. In line 3 from bottom, strike out "1839," and insert "1841."

SEC. 14. In bottom line, strike out the words "and civil."

SEC. 19. Line 3 from top, after the words "except the" insert the words "and."

SEC. 23. Last line after the word "to" insert "mortgage."

SEC. 36. Line, from bottom, after the word "Constitution," insert "and laws."

SEC. 36. Line one from bottom, strike out the word "or," and from last line, strike out the word "laws."

SEC. 37. Line 3 from bottom, strike out the words "counsel;" and that they also be required to enquire into the expediency of adding the following section, viz:

*And be it further enacted*, That the act hereby amended shall not be impaired in its force or validity by any heretofore neglect, omission of the president and trustees, or the inhabitants of the town of Galena.

*Provided*, That the said president and trustees, or their successors in office, shall within six months after the passage of this amendment, proceed as directed in section 45 of said act, and that they report by bill or otherwise; which was agreed to; and

On motion,

The House adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

House met pursuant to adjournment.

On motion of Mr. Kitchell,

*Resolved*, That the 45th rule of this House is hereby so amended, that hereafter the morning hour of meeting shall be at 9 o'clock.

The bill for "An act to extend the bounds of Cass county," coming up for consideration,

Mr. West demanded a call of the House; pending the call,

The Speaker laid before the House a communication from the Governor, enclosing a letter from A. H. Bangs, of New York; which was read, and

On motion of Mr. Dodge,

Referred to the committee on Finance.

Also, a communication from the Treasurer, in answer to a call of this House for information in relation to the amount of money expended by internal improvement commissioners at Quincy, Peoria, and Peru; which was read, and

On motion of Mr. Edwards,

Referred to the select committee appointed to investigate the accounts of the Board of Public Works.

The Senate resolution providing for the election of Auditor of Public Accounts, Treasurer, Public Printer and Fund Commissioner, on Saturday next, coming up for consideration,

On motion of Mr. Bissell,

The same was amended by striking out "Fund Commissioner," by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Baldwin, Barnett, Bennett, Bissell, Blackman, Brown of Vermilion, Busey, Carpenter, Cavarly, Charles, Cox, Courtright, Crain, Denny, Dodge, Dollins, Drummond, Dunlap, Edwards, Emmerson, English, Green, Gridley, Hankins, Hicks, Humphrey, Kitchell, Laughlin, Leary, Lester, McClernand, McClurken, McDonald, McGinnis, McLean, Marshall, Moore, Munsell, Odam, Oliver, Ormsbee, Prentice, Reynolds, Ross, Scott, Shepley, Troy, Trumbull, Turney, Waters, West, Wheeler, Wilson, Woodson, Wood, and Mr. Speaker—57.

Those who voted in the negative, are,

Messrs. Able, Bailey, Beall, Bentley, Bradford, Brown of Sangamon, Cavarly, Cunningham, Darnielle, Dougherty, Francis, Froman, Funk, Gillespie, Hardin, Henderson, Hull, Logan, Menard, Minshall, Murphy of Perry, Olds, Parkinson, Parsons, Phelps, Phillips, Thornton, Webb, and White—29.

When, the Doorkeeper having reported under the call of the House.

The consideration of the bill extending the limits of Cass county, was resumed;

And the bill was indefinitely postponed, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Drummond, Dunlap, Edwards, Emmerson, Francis, Froman, Gillespie, Green, Gridley, Hankins, Hardin, Henderson, Hicks, Hull, Laughlin, Leary, McClurken, McLean, Menard, Minshall, Moore, Munsell, Parkinson, Phelps, Phillips, Prentice, Reynolds, Ross, Threlkeld, Troy, Trumbull, Webb, Wilson, Woodson, Wood, and Mr. Speaker—48.

Those who voted in the negative, are,

Messrs. Baldwin, Bentley, Bissell, Blackman, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, Funk, Humphrey, Les-

ter, McDonald, McGinnis, Marshall, Murphy of Perry, Odam, Oliver, Orinsbee, Parsons, Peck, Turney, West, Wheeler, and White—28.

And the Senate resolutions in relation to the election of certain officers on Saturday next, coming up for consideration,

On motion of Mr. Bissell,

The resolution was amended by adding Prosecuting Attorney for the second judicial circuit; and

On motion of Mr. Ross,

The resolution was further amended by adding Prosecuting Attorney for the fifth judicial circuit.

Mr. Woodson moved to amend by adding "also Canal Commissioners."

Mr. Dollins moved to lay the motion to amend on the table; when,

On motion,

The House adjourned.

### FRIDAY, JANUARY 15, 1841.

House met pursuant to adjournment.

Mr. Crain, from the committee on Engrossed Bills, reported as correctly engrossed, the bill for "An act for the relief of Elizabeth Hart."

Mr. Murphy of Cook presented the petition of citizens of Lake county, in relation to the relocation of the county seat; which, without reading, on his motion, was referred to the committee on Counties.

Mr. Denny presented the petition of citizens of Warren county, concerning a division of said county.

Mr. Denny moved to refer said petition to the committee on Counties; which, without reading,

On motion of Mr. Carpenter,

Was laid on the table.

Mr. Dodge presented the petition of citizens of Cook and Kane counties; for a turnpike company; which, without reading, on his motion, was referred to the committee on Banks and other Corporations.

Mr. White presented the petition of M. L. Knapp; which was read, and

On motion of Mr. White,

Referred to the committee on Agriculture and Manufactures.

Mr. Drummond presented the petition of citizens of Boone and De Kalb counties, for extending the limits of Boone county; which, without reading, on his motion, was referred to the committee on Counties.

Mr. Hardin offered for adoption the following resolution:

"Resolved, That the rule adopted on yesterday in relation to the meeting of this House at 9 o'clock, be postponed until the first day of February next;" which was agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Bailey, Barnett, Beall, Bennett, Bissell, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Carpenter, Cavarly, Charles, Crain, Darnielle, Denny, Dodge, Edwards, English, Francis, Gillespie, Green, Hankins, Hardin, Henderson, Hicks, Hull, Humphrey, Laughlin, Leary, Lester, Logan, McClurken, McClernand, McDonald, McLean, Marshall, Menard, Minshall, Munsell, Murphy of Cook, Oliver, Parkin-



son, Peck, Phillips, Prentice, Reynolds, Ross, Scott, Shepley, Thornton, Threlkeld, Troy, Turney, Webb, West, Woodson, Wood, and Mr. Speaker—59.

Those who voted in the negative, are,

Messrs. Archer, Blackman, Canady, Courtright, Cox, Dollins, Drummond, Dunlap, Emerson, Froman, Funk, Gridley, Kelly, Kitchell, McGinnis, Moore, Murphy of Perry, Odum, Olds, Ormsbee, Parsons, Trumbull, Waters, Wheeler, White, and Wilson—26.

A message from the Senate, by Mr. Stapp, a Senator:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have passed bills of the following titles, viz:

A bill for "An act to authorize the county commissioners of Jefferson county to borrow money:"

"An act to amend an act entitled 'An act to incorporate the town of Jacksonville, and for other purposes;'"

"An act to increase the compensation of the county commissioners' clerk of Greene county for *ex officio* services;"

"An act to amend an act to incorporate the town of Rushville," approved March 2, 1839;

"An act to provide for the payment of certain debts due from the State to the banks;"

In the passage of which they ask the concurrence of the House of Representatives.

They have concurred with the House of Representatives in the passage of bills of the following titles:

"An act to vacate a part of the town plat of the town of Griggsville;"

"An act to repeal an act incorporating the town of Juliet."

They have also concurred in the passage of a bill for "An act in relation to a road therein named," as amended by them.

The Senate have also concurred with them in the passage of a resolution having for its object the raising of a joint select committee, consisting of three on the part of the House, and two on the part of the Senate, to draft a memorial to Congress, praying the passage of a law authorizing the inhabitants of townships of land appropriated to the use of schools and seminary purposes, when the same, or any of the subdivisions thereof, shall be wholly useless, or greatly diminished in value, by reason of inundation or other causes, to locate other lands belonging to the United States, and not otherwise appropriated, in lieu thereof;

And have appointed Messrs. Churchill and Wood the committee on the part of the Senate.

They have also concurred with them in the passage of a preamble and resolution adopting the census taken for the United States in the county of Cass, to be taken and considered as the census for said county.

The Senate have refused to concur with the House of Representatives in the passage of a bill for "An act to authorize Charles Sanburn, a minor, to execute a deed to the person therein named."

In compliance with a resolution of the House of Representatives, the report of the committee of investigation on contracts for the improvement of the Upper Rapids of Rock river, is herewith transmitted.

The bill for "An act to repeal all acts authorizing the prosecution of the internal improvement system," coming up for consideration, the question

being on the adoption of the amendment proposed by Mr. Munsell, as a substitute for the original bill, after discussion, and before the vote was taken,

The House adjourned to 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Senate bill for "An act making an appropriation for work done upon the State House and materials furnished," was read the first time, and the second time by its title, and,

On motion of Mr. Cavarly,

Referred to the committee on Finance.

Mr. Bissell, on leave, introduced a bill for "An act in relation to the school fund;" which was read the first time, and the second time by its title, and

*Ordered* to be engrossed.

Mr. Murphy of Cook, on leave, introduced a bill for "An act for the relief of James McKee;" which was read the first time, and the second time by its title, and,

On motion of Mr. Ross,

Referred to the committee on the Judiciary.

Senate bill for "An act to provide for the safe keeping and disbursement of the public revenue," was read the second time, and,

On motion of Mr. Trumbull,

Referred to the committee on the Judiciary.

Senate resolution providing for the election of certain officers, on Saturday next, coming up for consideration,

Mr. Peck moved to lay the resolution and amendments on the table; which was not agreed to;

And the question being on agreeing to the amendment proposed by Mr. Woodson, to elect Canal Commissioners also,

Mr. Dollins moved to lay the proposed amendment on the table; which was agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Bentley, Bissell, Blackman, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dunlap, Hankins, Henderson, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Lester, Logan, McClernand, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Wheeler, Wilson, Woodson, and Mr. Speaker—42.

Those who voted in the negative, are,

Messrs. Able, Archer, Bailey, Barnett, Beall, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Hull, Leary, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeid, Troy, Webb, West, White, and Wood—40.

Mr. Gridley moved to amend by adding as follows:

"And State's Attorneys in the first, third, fourth, sixth, seventh, eighth, and ninth Judicial Circuits in this State;" which,

On motion of Mr. Courtright,

Was laid on the table.

Mr. White moved the reconsideration of the vote taken yesterday on striking out "Fund Commissioner;" which was agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Archer, Bailey, Beall, Bentley, Bradford, Brown of Sangamon, Brown of Vermilion, Cox, Cunningham, Darnielle, Denny, Dougherty, Emmerson, Francis, Froman, Funk, Green, Gridley, Hardin, Henderson, Hull, Logan, McDonald, Marshall, Menard, Minshall, Munsell, Murphy of Perry, Oliver, Parkinson, Parsons, Peck, Phelps, Phillips, Prentice, Scott, Thornton, Threlkeld, Webb, West, White, and Woodson—41.

Those who voted in the negative, are,

Messrs. Baldwin, Barnett, Bissell, Blackman, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Drummond, Dunlap, Edwards, Gillespie, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, McClernand, McClurken, McGinnis, McLean, Moore, Murphy of Cook, Odam, Olds, Ormsbee, Reynolds, Ross, Shepley, Troy, Trumbull, Turney, Wheeler, Wilson, Wood, and Mr. Speaker—42.

And the question recurring on the motion to strike out "Fund Commissioner,"

It was decided in the negative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Barnett, Bissell, Blackman, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Drummond, Dunlap, Edwards, Green, Hankins, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, McClernand, McClurken, McDonald, McGinnis, McLean, Moore, Murphy of Cook, Odam, Olds, Oliver, Ormsbee, Reynolds, Ross, Scott, Shepley, Trumbull, Turney, Waters, Wheeler, Wilson, and Wood—43.

Those who voted in the negative, are,

Messrs. Able, Archer, Bailey, Beall, Bentley, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Cox, Cunningham, Darnielle, Denny, Dougherty, Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Hicks, Hull, Logan, Marshall, Menard, Minshall, Munsell, Murphy of Perry, Parkinson, Parsons, Peck, Phelps, Phillips, Prentice, Thornton, Threlkeld, Troy, Webb, West, White, Woodson, and Mr. Speaker—44.

Mr. Bissell moved to amend the resolution by striking out "Saturday the sixteenth," and inserting "Monday the eighteenth;" which was not agreed to.

Mr. Dodge moved to amend by striking out "Saturday the sixteenth," and inserting "Tuesday the nineteenth;" which was not agreed to.

Mr. Ormsbee moved to amend by striking out "Saturday the sixteenth," and inserting "Saturday the 23d inst.;" which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Bissell, Blackman, Busey, Cavarly, Courtright, Crain, Dodge, Dollins, Dunlap, Green, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McGinnis, Moore, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Prentice, Reynolds, Scott, Shepley, Trumbull, Turney, Waters, Wheeler, Wilson, Wood, and Mr. Speaker—41.

Those who voted in the negative, are,

Messrs. Able, Archer, Bailey, Barnett, Beall, Bentley, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Hankins, Hardin, Henderson, Hull, McDonald, McLean, Marshall, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Ross, Thornton, Threlkeld, Troy, Webb, West, White, and Woodson—44.

Mr. Lester moved to lay the resolution on the table.

Mr. Wood demanded a call of the House; and the roll having been called over,

Further proceedings under the call were dispensed with.

Mr. McClernand moved that the House adjourn; which was agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Barnett, Bentley, Bissell, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Hankins, Hardin, Hicks, Hull, Humphrey, Kelly, Kitchell, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Murphy of Cook, Murphy of Perry, Odam, Oliver, Ormsbee, Parkinson, Parsons, Peck, Prentice, Reynolds, Scott, Shepley, Thornton, Troy, Turney, Waters, Wheeler, White, Wilson, and Mr. Speaker—45.

Those who voted in the negative, are,

Messrs. Able, Archer, Bailey, Baldwin, Beall, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Dunlap, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Green, Gridley, Henderson, Laughlin, McLean, Menard, Minshall, Moore, Munsell, Olds, Phelps, Phillips, Ross, Threlkeld, Trumbull, Webb, West, Woodson, and Wood—42.

## SATURDAY, JANUARY 16, 1841.

House met pursuant to adjournment.

Mr. Murphy of Cook, presented the petition of citizens of Will county; which, without reading, on his motion, was referred to the committee on Counties.

Mr. West, on leave, introduced a bill for "An act to provide for the collection of taxes, for the year 1839, in Cass county;" which was read the first time, and the second time by its title, and

On motion of Mr. Woodson,

Referred to a select committee.

*Ordered*, That Messrs. Woodson, West, and Troy, be said committee.

Mr. Green presented the petition of citizens of Clay county, for a mill-dam across Big Muddy river; which, without reading, on his motion, was referred to the same committee to which was referred other petitions on the same subject.

Mr. Barnett presented the petition of citizens of Macon and Christian counties for a State road; which, without reading, on his motion, was referred to the same select committee to which was referred petitions on the same subject.

Mr. Leary, from the committee on Engrossed Bills, reported as correctly engrossed, bills for "An act for the relief of the creditors of the late William Wernwag;" and

"An act to extend the limits of Bond county."

Mr. Murphy of Cook, from the committee on Banks and other Corporations, to which was referred a certain resolution, made a report, and introduced a bill for "An act to increase the State Directory in the State Bank of Illinois;" which was read the first and second times; when

Mr. Peck moved that the report and bill be laid on the table, and one thousand copies thereof be printed for the use of this House, and a division of the question being demanded,

The bill and report were laid on the table, and the motion to print one thousand copies was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Barnett, Bissell, Blackman, Busey, Carpenter, Cavarly, Court-right, Crain, Dodge, Dollins, Dunlap, English, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—45.

Those who voted in the negative, are,

Messrs. Able, Archer, Bailey, Beall, Bentley, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Green, Gridley, Hardin, Henderson, Hull, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, and Woodson—41.

Mr. Logan, from the committee on Salines and Saline Lands, reported a bill for "An act in relation to the payment of Auditor's Warrants;" which was read the first and second times; and

Mr. Munsell moved to strike out the enacting clause of the bill.

Mr. Carpenter demanded the previous question, which was sustained.

The motion to strike out the enacting clause was decided in the negative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Cavarly, Cox, Cunningham, Darnielle, Denny, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Hull, McLean, Minshall, Munsell, Ormsbee, Parkinson,

Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, Woodson and Mr. Speaker—37.

Those who voted in the negative, are,

Messrs. Able, Baldwin, Barnett, Beall, Bentley, Bissell, Blackman, Busey, Carpenter, Courtright, Crain, Dodge, Dollins, Dougherty, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Menard, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turney, West, Wheeler, White, Wilson, and Wood—50.

And the bill was

*Ordered* to be engrossed for a third reading.

Mr. Murphy of Cook, from the committee on Banks and other Corporations, to which was referred the petitions of citizens of Kane and Cook counties, for a turnpike company; reported the same back to the House; and the petition was referred to the committee on State Roads.

Mr. Dodge, from the committee on Banks and other Corporations, to which was referred a bill for "An act to authorize Lester Banks, Alanson House, and their associates, to build a mill-dam across Rock river," reported the same back to the House, without amendments; when the bill was

*Ordered* to be engrossed for a third reading.

Mr. Bissell, from the committee on Banks and other Corporations, to which was referred the petition of the President and Trustees of the town of Belleville, in St. Clair county, reported the same back to the House, and was discharged from the further consideration of the same.

Mr. Carpenter, from the committee on Counties, to which was referred the petitions of citizens of La Salle and Kane counties, reported a bill for "An act to create the county of Orange;" which was read the first time, and

*Ordered* to a second reading.

Mr. Murphy of Cook, from the committee on Banks and other Corporations, introduced a bill for "An act to authorize the building of a toll draw-bridge, across the Calumet river;" which was read the first time, and the second time by its title, and

*Ordered* to be engrossed.

Mr. Kitchell, from the committee on the Judiciary, to which was referred a certain petition, reported a bill for "An act to repeal 'An act, incorporating the town of Shelbyville;'" which was read the first time, and

*Ordered* to a second reading.

Mr. Kitchell, from the committee on the Judiciary, introduced a bill for "An act to amend 'An act, relative to criminal jurisprudence;'" which was read the first time, and

*Ordered* to a second reading.

Mr. Peck, from the committee on Finance, to which was referred a petition from citizens of Edgar county, in relation to "tippling houses and groceries," reported the same back to the House, and the petition being read, the committee were discharged from the further consideration thereof.

Mr. Carpenter, from the committee on Counties, to which was referred the petition of citizens of La Salle county, reported a bill for "An act to

create the county of Grundy, from the county of La Salle;" which was read the first time, and

\* *Ordered to a second reading.*

Mr. Ormsbee, from the select committee to which was referred a resolution of enquiry, in relation to public printing, made a report, which was read; and introduced a bill for "An act supplemental to 'An act, defining the duties of Public Printer, and fixing the time and manner of performing the same;'" which was read the first time, and

*Ordered to a second reading.*

Also, a bill for "An act providing for the election of a Public Binder;" which was read the first time, and

*Ordered to a second reading.*

Mr. English, from the select committee to which was referred the petition of M. Smith, for a divorce, reported the same back to the House, and was discharged from the further consideration of the same.

Mr. Dodge moved that the report made by Mr. Ormsbee, from the select committee appointed to examine into the expenditures for public printing, be laid on the table, and one thousand copies thereof be printed.

And a division of the question being demanded, the report was laid on the table.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives, that they have passed bills of the following titles, viz:

"An act to build a bridge across Macoupin creek, in Greene county;"

"An act authorizing administrators to settle estates in particular cases;"

"An act to locate a State road from Shelbyville to Mint Point, in Coles county;"

"An act to authorize the county commissioners of Pike county to execute a certain conveyance;"

"An act to enable the executors of James Hays, deceased, to sell real estate for the payment of debts, and redemption of land;"

In the passage of which they ask the concurrence of the House of Representatives.

They have concurred with the House of Representatives in the passage of a bill for "An act for the formation of the county of Pike."

They have also concurred with them in the adoption of a resolution, having for its object the raising of a joint select committee, to ascertain whether the negotiations of canal bonds made by Wm. F. Thornton, was made in conformity with law, and what proceedings, if any, are necessary, relating to the security of the State bonds sold and unsold, both in Europe and America. And have appointed Messrs. Gatewood, Hacker and Hamlin the committee on the part of the Senate.

Also, they have concurred with them in the passage of a resolution, asking for a committee of conference upon the disagreeing vote of the two Houses, on the joint resolution providing for a revision and digest of the laws of this State; and have appointed Messrs. Little, Pearson, and Slocumb the committee on the part of the Senate.

A message from the Senate, by Mr. Berry, their Assistant Secretary :

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives, that they have passed the following bill:

"An act fixing the time of holding courts in the sixth judicial circuit;"

In the passage of which, they ask the concurrence of the House of Representatives.

They have indefinitely postponed the further consideration of a bill, entitled "An act extending the duties of notaries public."

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker:* I am directed by the Senate, to inform the House of Representatives, that they have concurred with them in the passage of a bill for "An act for the formation of the county of Mason:"

They have also concurred with them in the passage of a bill for "An act to incorporate the town of Macomb," as amended by them.

In which amendment, they ask the concurrence of the House of Representatives; when,

On motion,

The House adjourned.

### MONDAY, JANUARY 18, 1841.

House met pursuant to adjournment.

On motion of Mr. English,

"*Resolved*, That so soon as the call for petitions is gone through with, the orders of the day shall be taken up, and nothing else shall be in order until they are gone through with."

Mr. Murphy of Cook presented the petition of citizens of McHenry county for a relocation of the county seat of said county; which, without reading, on his motion, was referred to the committee on Counties.

Mr. Waters presented the petition of citizens of Hardin and Gallatin counties; which, without reading, on his motion, was referred to the committee on Counties.

Mr. Shepley presented the petition of citizens of Menard county; which, without reading, on his motion, was referred to the committee on Counties.

Mr. Leary presented the petition of the commissioners of Cook county; praying a change in the license law; which, without reading, on his motion, was referred to the committee on the Judiciary.

Also, the petition of citizens of Chicago, in relation to the city charter; which, without reading, on his motion, was referred to the same select committee to which was referred a bill on the same subject.

Mr. Thornton presented the petition of citizens of Winnebago county; which, without reading, on his motion, was referred to the committee on Counties.

Mr. Ross presented the petition of Cannah Jones, which, without reading, on his motion, was referred to the committee on Finance.

On motion of Mr. Leary,

The following additional rule was adopted:

"No. 40. A motion to print shall be decided without debate."

Mr. Bissell moved the reconsideration of the vote on the adoption of the above rule; which was decided in the negative, by yeas and nays, as follows:



Those who voted in the affirmative, are,

Messrs. Baldwin, Bissell, Brown of Sangamon, Brown of Vermilion, Busey, Carpenter, Cavarly, Charles, Courtright, Cox, Crain, Cunningham, Denny, Dodge, Drummond, Edwards, Gridley, Henderson, Hull, Oliver, Ormsbee, Parkinson, Phelps, Phillips, Reynolds, Trumbull, Wheeler, Woodson, Wood, and Mr. Speaker—30.

Those who voted in the negative, are,

Messrs. Able, Archer, Bailey, Barnett, Beall, Bentley, Blackman, Canady, Dollins, Dougherty, Dunlap, Emmerson, English, Francis, Froman, Gillespie, Green, Hankins, Hicks, Humphrey, Kitchell Laughlin, Leary, Lester, Logan, McDonald, McGinnis, McLean, Marshall, Menard, Minshall, Moore, Munsell, Murphy of Cook, Murphy of Perry, Odam, Olds, Parsons, Peck, Prentice, Ross, Scott, Shepley, Thornton, Threlkeld, Troy, Turney, Waters, Webb, White, and Wilson—51.

And the question recurring on the motion to print one thousand copies of the report of the select committee of investigation into the accounts of the Public Printer,

Mr. Busey moved to print two thousand copies; which was decided in the negative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Busey, Hicks, and Mr. Speaker—3.

Those who voted in the negative, are,

Messrs. Able, Archer, Bailey, Baldwin, Barnett, Beall, Bentley, Bissell, Blackman, Brown of Sangamon, Brown of Vermilion, Canady, Carpenter, Cavarly, Charles, Courtright, Cox, Crain, Cunningham, Denny, Dodge, Dollins, Dougherty, Drummond, Dunlap, Edwards, Emmerson, English, Francis, Froman, Gillespie, Green, Gridley, Hankins, Henderson, Hull, Humphrey, Kitchell, Laughlin, Leary, Lester, Logan, McDonald, McGinnis, McLean, Marshall, Menard, Minshall, Moore, Munsell, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parkinson, Parsons, Peck, Phelps, Phillips, Prentice, Reynolds, Ross, Scott, Shepley, Thornton, Threlkeld, Troy, Trumbull, Turney, Waters, Webb, Wheeler, White, Wilson, Woodson, and Wood—77.

And the motion to print one thousand copies was decided in the negative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Bissell, Busey, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, English, Green, Hankins, Hicks, Humphrey, Lester, Logan, McDonald, Marshall, Murphy of Cook, Murphy of Perry, Olds, Oliver, Ormsbee, Parsons, Peck, Prentice, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—35.

Those who voted in the negative, are,

Messrs. Able, Archer, Bailey, Barnett, Beall, Bentley, Blackman, Brown of Sangamon, Brown of Vermilion, Canady, Carpenter, Charles, Cox, Cunningham, Denny, Drummond, Dunlap, Edwards, Emmerson, Francis, Froman, Gillespie, Gridley, Henderson, Hull, Kitchell, Laughlin, Leary, McGinnis, McLean, Menard, Minshall, Moore, Munsell, Odam, Parkinson, Phelps, Phillips, Reynolds, Ross, Thornton, Threlkeld, Troy, Waters, Webb, and Woodson—46.

Mr. Shepley moved the printing of five hundred copies; which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Barnett, Bentley, Bissell, Busey, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, Dunlap, English, Green, Hankins, Hicks, Hull, Humphrey, Laughlin, Lester, Logan, McClernand, McDonald, McGinnis, Marshall, Murphy of Cook, Murphy of Perry, Olds, Oliver, Parsons, Peck, Prentice, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—41.

Those who voted in the negative, are,

Messrs. Able, Archer, Bailey, Beall, Blackman, Brown of Sangamon, Brown of Vermilion, Canady, Carpenter, Charles, Cox, Cunningham, Denny, Drummond, Edwards, Emmerson, Francis, Froman, Gillespie, Gridley, Henderson, Kitchell, Leary, McLean, Menard, Minshall, Moore, Munsell, Odam, Ormsbee, Parkinson, Phelps, Phillips, Reynolds, Ross, Thornton, Threlkeld, Troy, Waters, Webb, and Woodson—41.

Mr. Odam moved the printing of one hundred and fifty copies.

Mr. Webb moved to lay the motion to print on the table; which] was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Archer, Bailey, Beall, Blackman, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Denny, Dougherty, Drummond, Edwards, Emmerson, Francis, Froman, Gillespie, Gridley, Henderson, Hull, Leary, McLean, Marshall, Menard, Minshall, Munsell, Parkinson, Parsons, Phelps, Phillips, Prentice, Ross, Thornton, Threlkeld, Troy, Waters, Webb, and Woodson—40.

Those who voted in the negative, are,

Messrs. Barnett, Bentley, Bissell, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kitchell, Laughlin, Lester, Logan, McClernand, McDonald, McGinnis, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Peck, Reynolds, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—41.

Mr. Cavarly moved to print four hundred and fifty copies; which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Barnett, Bentley, Bissell, Busey, Cavarly, Courtright, Crain, Dodge, Dollins, Dunlap, English, Green, Hankins, Hicks, Humphrey, Laughlin, Lester, Logan, McClernand, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Olds, Oliver, Parsons, Peck, Prentice, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—40.

Those who voted in the negative, are,

Messrs. Able, Archer, Bailey, Beall, Blackman, Brown of Sangamon, Brown of Vermilion, Canady, Carpenter, Charles, Cox, Cunningham, Denny, Dougherty, Drummond, Edwards, Emmerson, Francis, Froman, Gillespie, Gridley, Henderson, Hull, Kitchell, Leary, McLean, Menard, Minshall, Munsell, Odam, Ormsbee, Parkinson, Phelps, Phillips, Reynolds, Ross, Thornton, Threlkeld, Troy, Waters, Webb, and Woodson—42.

When,

On motion of Mr. Cavarly,

Four hundred copies were ordered to be printed, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Barnett, Bentley, Bissell, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dunlap, English, Green, Hankins, Hicks, Humphrey, Laughlin, Lester, Logan, McClernand, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Olds, Oliver, Ormsbee, Parsons, Peck, Prentice, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—42.

Those who voted in the negative, are,

Messrs. Able, Archer, Bailey, Beall, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Denny, Dougherty, Drummond, Edwards, Emmerson, Francis, Froman, Gillespie, Gridley, Henderson, Hull, Kitchell, Leary, McLean, Menard, Minshall, Munsell, Odam, Parkinson, Phelps, Phillips, Reynolds, Ross, Threlkeld, Troy, Waters, Webb, and Woodson—38.

Engrossed bill for "An act to extend the limits of Bond county," was read the third time, and,

On motion of Mr. Gillespie,

Referred to a select committee.

*Ordered*, That Messrs. Gillespie, Bentley, and Baldwin be said committee.

Engrossed bill for "An act fixing the time of holding the circuit courts in the first Judicial Circuit," was read the third time and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Senate bill for "An act to establish the county of Henderson," was read the third time, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof.

Engrossed bill for "An act for the relief of the creditors of the late William Wernwag," was read the third time, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Engrossed bill for "An act for the relief of Elizabeth Hart," was read the third time, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Engrossed bill for "An act authorizing the Governor to make a deed," was read the third time, and,

On motion of Mr. Cavarly,

Amended by striking out "William Kinney" and inserting "Murray McConnel," and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Engrossed bills for "An act concerning the town of Belvidere;"

"An act in relation to free negroes and mulattoes;"

"An act to authorize the Sheriff of Gallatin county to make a deed to Daniel Wood for a tract of land therein named;"

"An act to provide for draining mill-dams on the Mackinaw creek," were severally read the third time, and passed.

*Ordered*, That the titles be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein; when,

On motion,

The House adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Engrossed bills for "An act to vacate town plats;" and

"An act changing a town plat therein named," were severally read the third time, and passed.

*Ordered*, That the titles be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Engrossed bill for "An act to prevent the unlawful driving away of cattle and other stock, by drovers and others" was read the third time, and

Mr. Olds moved to amend the bill by adding the following proviso:

"*Provided*, That no individual or individuals who may be engaged in driving hogs through our country, or to market, (should any stock or fat hogs falling into their drove be left at the place where they may stop for the first night after said stock shall have fallen into their drove,) shall be subject to the penalties of this bill; and that no person or persons who may be driving other stock, (should any stock falling into their drove be left at the first premises on the road, having a suitable lot or enclosure for separating them from the drove,) shall be subject to the penalties of the above bill."

Mr. Dollins moved to lay said proviso on the table, which was agreed to.

And a call of the House being demanded by Mr. Turney,

The House took up for consideration the bill for "An act to amend an act, entitled 'An act in relation to the State Bank of Illinois;'" approved, January 31, 1840; which was read the third time, and before any vote was taken, the Door keeper reported.

And the House resumed the consideration of the bill for "An act to prevent the unlawful driving away of cattle and other stock, by drovers and others," which was passed;

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

The bill for "An act to amend an act, entitled 'An act in relation to the State Bank of Illinois;'" approved January 31, 1840, was again taken up for consideration, and

Mr. Henderson moved to amend the bill by striking out "Chicago" and inserting "Lacon."

Which was decided in the negative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Beall, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cunningham, Darnielle, Denny, Dougherty, Emmerson, Froman, Gridley, Hankins, Henderson, Logan, McLean, Menard, Minshall, Parkinson, Phillips, Thornton, Threlkeld, Troy, and Wood—29.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Baldwin, Barnett, Bentley, Bissell, Blackman, Busey, Carpenter, Cavarly, Courtright, Cox, Crain, Dollins, Drummond, Dunlap, Edwards, English, Francis, Gillespie, Green, Hardin, Hicks, Hull, Humphrey, Kitchell, Laughlin, Leary, Lester, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Munsell, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Phelps, Prentice, Reynolds, Ross, Scott, Shepley, Trumbull, Turney, Waters, Webb, Wheeler, White, Wilson, Woodson, and Mr. Speaker—58.

Mr. Dougherty moved to amend by adding after the word Chicago "or any other place the bank may think proper;" which was not agreed to, and on the passage of the bill,

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Barnett, Bennett, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Carpenter, Courtright, Cox, Denny, Drummond, Edwards, English, Francis, Froman, Gillespie, Green, Hardin, Henderson, Hull, Humphrey, Laughlin, Leary, Lester, Logan, McClurken, McGinnis, McLean, Menard, Minshall, Munsell, Murphy of Cook, Murphy of Perry, Odam, Parkinson, Parsons, Phelps, Phillips, Prentice, Reynolds, Scott, Shepley, Threlkeld, Troy, Waters, Webb, White, Wilson, Woodson, and Mr. Speaker.—54.

Those who voted in the negative, are,

Messrs. Baldwin, Beall, Bentley, Bissell, Cavarly, Charles, Crain, Cunningham, Darnielle, Dollins, Dougherty, Dunlap, Emmerson, Gridley, Hankins, Hicks, Kitchell, McClernand, McDonald, Marshall, Moore, Olds, Oliver, Ormsbee, Peck, Ross, Trumbull, Turney, Wheeler, and Wood—30.

Engrossed bill for "An act to extend the provisions of an act, entitled 'An act to provide for the dedication of lots in towns situated on canal lands to public purposes,'" approved February 28, 1839,

Was read the third time, and passed, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Baldwin, Beall, Bentley, Bissell, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Cavarly, Courtright, Darnielle, Denny, Dollins, Dougherty, Drummond, Dunlap, Edwards, Emmerson, English, Francis, Froman, Green, Gridley, Hardin, Leary, Logan, McClurken, McDonald, McGinnis, Marshall, Menard, Minshall, Moore, Munsell, Murphy of Cook, Murphy of Perry, Olds, Parsons, Peck, Phillips, Prentice, Thornton, Trumbull, Waters, Webb, Wheeler, White, Wilson, and Woodson—53.

Those who voted in the negative, are,

Messrs. Bennett, Cox, Gillespie, Hankins, Henderson, Hull, Humphrey, Kitchell, Laughlin, Lester, McClernand, McLean, Odam, Oliver, Orms-

bee, Parkinson, Phelps, Reynolds, Ross, Scott, Shepley, Threlkeld, Troy, Turney, Wood, and Mr. Speaker—26.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have adopted the following resolution:

*Resolved by the Senate, the House of Representatives concurring herein,* That no new business shall be introduced at this session of the General Assembly, after the 26th day of January instant, and that it will adjourn *sine die* on Monday the 15th day of February next.

In the passage of which they ask the concurrence of the House of Representatives.

A message from the Governor, by Mr. Douglass, Secretary of State:

*Mr. Speaker:* I am directed by the Governor to lay before the House of Representatives two written communications.

Engrossed bill for "An act to incorporate the Marion Academy in Williamson county," was read the third time by its title, and passed.

*Ordered,* That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Engrossed bill for "An act to locate, alter, and relocate certain State roads," was read the third time by its title, and

On motion of Mr. Oliver,

Amended by adding the following proviso at the end of the second section:

*Provided,* That the commissioners mentioned in this section shall not review said road any farther in the direction of Vienna, than the Big Bay creek in Pope county," when the bill was passed.

*Ordered,* That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Senate bill for "An act to repeal an act, entitled 'An act making an appropriation for a library for the use of the Legislature and Supreme Court, and also to repeal a bill allowing a premium on wolf scalps,'" was read the third time, and passed, as amended, and

On motion of Mr. Webb,

The title of the bill was amended by striking out the word "repeal" in the first line of the title, and the words "and also to repeal a bill allowing a premium on wolf scalps."

*Ordered,* That the title be as amended, and that the Clerk inform the Senate thereof, and ask their concurrence in the amendments thereto.

Senate bill for "An act to authorize the removal of the seat of justice of Adams county," was read the third time, and passed.

*Ordered,* That the title be as aforesaid, and that the Clerk inform the Senate thereof.

Senate bill for "An act in relation to pedlars," was read the third time, and

On motion of Mr. Peck,

Referred to the committee on Finance.

Senate bill for "An act to reimburse the internal improvement fund for advancements made to the canal fund," was read the third time, and Mr. Kitchell moved to amend by adding the following as an additional section:

"SEC. —. The money above provided for shall, when received, be applied to the payment of debts now due from the internal improvement system;" which,

On motion of Mr. Dougherty,

Was laid on the table.

Mr. Wheeler moved to amend the bill, which was ruled out of order by Mr. Woodson, who temporarily occupied the chair; from which decision Mr. Wheeler appealed.

And on the question, shall the decision of the chair stand as the judgment of the House?

It was decided in the affirmative.

Mr. McLean moved to amend the bill by striking out all after the enacting clause, and inserting the following:

"That the Governor be, and he is hereby required to cause to be paid to the Fund Commissioner any balance which may be due from the canal fund to the internal improvement fund, out of the first funds which may be received from the sale of canal bonds."

Mr. Cavarly moved to amend by inserting after the enacting clause,

"That all laws and parts of laws, authorizing the Governor to sell State bonds or internal improvement bonds, be and the same are hereby repealed; and the Governor is hereby authorized to reclaim and repossess himself of all bonds now in the hands of Wright & Co., of London, and all other bonds not sold in the hands of the agents of the State; which by the chair (Mr. Woodson) was ruled out of order;" when

The House adjourned.

## TUESDAY, JANUARY 19, 1841.

House met pursuant to adjournment.

Mr. Crain, from the committee on Engrossed Bills, reported as correctly engrossed, bills of the following titles:

"An act to authorize the building of a toll draw-bridge across the Calumet river;"

"An act in relation to the payment of Auditor's warrants;"

"An act in relation to the school fund;"

"An act to authorize Lester Barker, Alanson House, and their associates to build a mill-dam across Fox river."

Mr. Francis presented the petition of citizens of Sangamon county, for a new county; which, without reading, on his motion, was referred to the committee on Counties.

Mr. Waters presented the remonstrance of citizens of Hardin county, against a division of said county; which, without reading, on his motion, was referred to the committee on Counties.

Mr. Bennett presented the petition of citizens of Menard county for extending the limits of said county; which, without reading, on his motion, was referred to the committee on Counties.

Mr. Barnett presented the petition of Nancy C. Dye; which, without reading, on his motion, was referred to the committee on the Judiciary.

Mr. Leary, from the committee on Enrolled Bills, reported as follows:

The committee on enrolled bills have this day laid before the Council of Revision a bill for "An act fixing the time of holding courts in the sixth judicial circuit.

Mr. Francis presented the petition of citizens of Sangamon county for privilege to build a mill-dam across Sangamon river; which, without reading, on his motion, was referred to a select committee.

*Ordered*, That Messrs. Francis, White, and Brown of Sangamon be said committee.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives, that they have passed a bill of the following title, viz:

A bill for "An act to legalize certain acts of the Clerk of the circuit court of Coles county."

In which, they ask the concurrence of the House of Representatives.

Mr. Archer presented the petition of canal contractors, in relation to canal commissioners; which was read, and on his motion, laid on the table.

Mr. Murphy of Cook, presented the petition of 1440 citizens, living on the line of the canal, remonstrating against the re-election of the present Board of Canal Commissioners; which was read, and on his motion, laid on the table.

Mr. Cavarly presented the petition of Horatio N. Bell; which, without reading, on his motion, was referred to the committee on Counties.

And the bill for "An act to reimburse the internal improvement fund for advancements made to the canal fund," coming up for consideration,

The question recurring on Mr. McLean's proposed amendment thereto, The amendment was rejected.

Mr. Dollins moved to amend the bill by adding the following:

"And that the amount due the internal improvement fund under the above recited loan, when paid to the Fund Commissioner, shall be expressly applied to extinguishing the interest on the internal improvement debt, and for no other purpose whatever;" when,

On motion of Mr. Bentley,

The bill and proposed amendment were laid on the table by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bailey, Baldwin, Barnett, Bentley, Bissell, Busey, Canady, Carpenter, Cavarly, Charles, Courtright, Cunningham, Darnielle, Denny, Dunlap, Edwards, Emmerson, English, Froman, Humphrey, Laughlin, Lester, McDonald, McGinnis, Marshall, Moore, Munsell, Odam, Olds, Ormsbee, Parkinson, Parsons, Prentice, Ross, Shepley, Threlkeld, Troy, Trumbull, Wheeler, Wilson, and Woodson—42.

Those who voted in the negative, are,

Messrs. Able, Archer, Beall, Bennett, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Crain, Dodge, Dollins, Dougherty, Drummond, Francis, Gillespie, Green, Gridley, Hankins, Hardin, Henderson, Hicks, Hull, Kitchell, Leary, Logan, McClernand, McLean, Murphy of Cook, Murphy of Perry, Oliver, Peck, Phillips, Reynolds, Scott, Thornton, Turney, Waters, Webb, White, Wood, and Mr. Speaker—41.



The bill for "An act to create the county of Orange," was read the second time by its title, and

On motion of Mr. Peck,

The bill was amended by striking out the word "Orange" wherever it occurs in the bill, and insert the word "Kendall" in its place, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Baldwin, Barnett, Bentley, Bissell, Blackman, Bradford, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, Dunlap, English, Green, Gridley, Hankins, Hicks, Humphrey, Kitchell, Laughlin, Leary, Lester, Lincoln, McClernand, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—51.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Drummond, Edwards, Emmerson, Francis, Froman, Gillespie, Hardin, Henderson, Hull, McLean, Menard, Munsell, Parkinson, Phelps, Phillips, Reynolds, Threlkeld, Thornton, Troy, Waters, Webb, and Woodson—34.

Mr. Gillespie moved further to amend the bill by inserting the words "honest Amos" before the words "Kendall;" which motion,

On motion of Mr. Bissell,

Was laid on the table.

And the bill was then ordered to be engrossed, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Baldwin, Barnett, Bentley, Bissell, Blackman, Bradford, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, Dunlap, English, Green, Gridley, Hankins, Hicks, Humphrey, Kitchell, Laughlin, Leary, Lester, McClernand, McDonald, McGinnis, Marshall, Menard, Moore, Munsell, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parkinson, Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turney, Waters, Wheeler, White, Wilson, Wood, and Mr. Speaker—54.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Darnielle, Drummond, Edwards, Emmerson, Francis, Froman, Gillespie, Henderson, Hull, McLean, Minshall, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Webb, and Woodson—27.

The bill for "An act to create the county of Grundy, from the county of La Salle," was read the second time, and

Mr. Logan moved to amend the bill by striking out "fifteen acres" as a donation for the county seat, and insert "three acres."

Mr. Woodson moved to strike out the third section; when,

On motion of Mr. McClernand,

The bill was referred to the committee on Canals and Canal Lands; and  
The House adjourned until 2 o'clock.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

The bill for "An act to extend the location of the Darwin and Charleston turnpike, from Charleston to Springfield," was read the second time, and

On motion of Mr. White,

The bill was amended by inserting "Mount Auburn" after the word "Charleston," in the first section; when,

The bill was informally laid aside, and the House took up the bill for "An act to repeal an act incorporating the town of Shelbyville," which was read the second time, and

*Ordered to be engrossed.*

The bill for "An act to amend an act, entitled 'An act in relation to special bail,'" approved January 26, 1827, was read the second time, and

On motion of Mr. Leary,

Referred to the committee on the Judiciary.

The bill for "An act to amend an act relative to criminal jurisprudence," was read the second time, and

Mr. Leary moved to amend the bill by adding the following as an additional section:

"The punishment of death for crime is hereby abolished, and any person or persons convicted of the crime of treason or murder shall be punished by confinement in the penitentiary for a term not less than fifteen years, and may extend to life."

Which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Bailey, Bissell, Busey, Canady, Courtright, Dunlap, Edwards, Emmerson, English, Gillespie, Green, Gridley, Henderson, Humphrey, Kitchell, Leary, Lester, McClernand, McDonald, McGinnis, Minshall, Munsell, Odan, Ormsbee, Peck, Phelps, Prentice, Ross, Shepley, Wilson, Wood, and Mr. Speaker—33.

Those who voted in the negative, are,

Messrs. Baldwin, Beall, Bennett, Bentley, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Carpenter, Cavarly, Charles, Cox, Cunningham, Darnielle, Denny, Dodge, Dollins, Dougherty, Francis, Froman, Hardin, Hull, Laughlin, Logan, McLean, Marshall, Moore, Murphy of Cook, Murphy of Perry, Olds, Oliver, Parkinson, Phillips, Scott, Thornton, Threlkeld, Troy, Trumbull, Turney, Waters, White, and Woodson—42.

Mr. Ross moved to amend the third section of the bill by striking out the words "or if any person not an elector, shall knowingly vote at any such election, every person so offending shall be subject to indictment, and on conviction, be punished by confinement in the penitentiary for any term not more than two years."

Mr. Henderson moved to amend by striking out the word "knowingly;" which was agreed to, and

On motion of Mr. Webb,

The third section of the bill was further amended by striking out the word "not" after the word "person" and inserting the words "knowing himself not to be a legal voter."

And the question being on agreeing to the amendment proposed by Mr. Ross, to strike out,

It was decided in the negative.

Mr. Woodson moved to amend the third section by striking out all after the word "person" in the fourth line from the bottom, and inserting as follows :

"Shall be indicted, and on conviction, shall be fined in a sum not less than one hundred, and not more than one thousand dollars, and confined in the county jail until fine and costs be paid."

Mr. English moved to refer the bill and amendments to the committee on Finance; which was not agreed to.

Mr. Leary moved to refer to the committee on Elections, which was not agreed to; when,

On motion of Mr. Cavarly,

The amendment proposed by Mr. Woodson was laid on the table.

Mr. Peck moved to amend the bill by adding the following proviso:

"*Provided always*, That any free white male person who shall be twenty-one years of age, and who shall have resided in the State of Illinois for six months next preceding any election, and shall be an inhabitant of the county in which he may have voted, shall be considered an elector, and shall not suffer the pains and penalties provided for by this section, any law in any wise to the contrary notwithstanding."

Mr. McClernand moved to amend the amendment by striking out "person" in the first line of the amendment, and inserting "inhabitant, whether naturalized or unnaturalized;" which modification was accepted by the mover of the amendment.

Mr. Hardin moved to amend the amendment by striking out the words "shall be considered a voter and;" which was not agreed to; when,

The amendment proposed by Mr. Peck, as modified, was agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Archer, Bailey, Baldwin, Barnett, Bentley, Bissell, Blackman, Busey, Carpenter, Cavarly, Courtright, Cox, Crain, Dodge, Dollins, Dougherty, Dunlap, Emmerson, English, Gillespie, Green, Hankins, Hardin, Hicks, Humphrey, Kelly, Laughlin, Leary, Lester, Logan, McClernand, McDonald, McGinnis, McLean, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parkinson, Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turney, Waters, White, Wilson, Woodson, Wood, and Mr. Speaker—58.

Those who voted in the negative, are,

Messrs. Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Cunningham, Darnielle, Denny, Drummond, Edwards, Francis, Froman, Gridley, Henderson, Hull, Kitchell, Menard, Minshall, Munsell, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, and Webb—27.

When the bill was ordered to be engrossed,

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives, that they have concurred with them in the passage of bills of the following titles, viz:

"A bill to authorize the county commissioners of Christian county to borrow money;"

"A bill for an act to legalize the acts of the commissioners of Jasper county;"

"A bill for an act to change the name of a person therein named;"

"A bill for an act for the location of a State road in the counties of Hamilton, Franklin, and Perry;"

"A bill for an act to vacate a part of the town plat of Bennett's addition to the town of Petersburg, and for other purposes;" and

"A bill for an act to provide for reviewing certain State roads."

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives, that they have passed bills of the following titles:

"A bill for an act to amend the act, entitled 'An act confirming grants of property made for the encouragement of education, and for other purposes,'" approved February 1, 1831.

"A bill for an act concerning county seats and county lines;"

"A bill for an act to incorporate the Bond county Academy;"

"A bill for an act to vacate a part of the town of Lowell;"

"A bill for an act to authorize the Madison county Ferry Company, to construct a road or causeway;" and

"A bill for an act declaring a certain road in Fulton county a State road;"

In which they ask the concurrence of the House of Representatives.

The bill for "An act for the relief of Nathan Low," was read the second time, and

*Ordered* to be engrossed.

The bill for "An act to extend the location of the Darwin and Charleston turnpike from Charleston to Springfield," was again taken up for consideration, and

Mr. Prentice moved to amend the bill by inserting the word "Shelbyville" after the word "Charleston," which was not agreed to.

On motion of Mr. Cunningham,

The bill was amended by inserting the word "Christian" after "Coles" in the fourteenth line of the fifth section; when the bill was

*Ordered* to be engrossed.

The bill for "An act to authorize the county commissioners of Brown county, to appoint an assessor," was read the second time, and

*Ordered* to be engrossed.

The bill for "An act to repeal so much of the militia law as allows compensation to brigade majors," was read the second time, and

On motion of Mr. Gridley,

Referred to the committee on the Militia.

The bill for "An act to establish certain ferries therein named," was read the second time, and

On motion of Mr. Turney,

Referred to the committee on Internal Improvements.

The bill for "An act in relation to incorporated towns and cities in this State," was read the second time, and

Mr. Edwards moved to amend by adding the following proviso:

"*Provided* such towns and cities as shall or may be exempted from the payment of a county tax, in consideration of the support of the paupers therein, be and they are hereby excepted from the operations of this act."

Which was agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Bennett, Brown of Sangamon, Brown of Vermilion, Canady, Cavarly, Charles, Darnielle, Denny, Dougherty, Drummond, Edwards, Emmerson, Francis, Froman, Gillespie, Gridley, Hardin, Henderson, Hull, Humphrey, Laughlin, Leary, McLean, Menard, Minshall, Munsell, Odam, Parkinson, Phelps, Phillips, Prentice, Thornton, Threlkeld, Troy, Waters, Webb, Woodson, and Mr. Speaker—40.

Those who voted in the negative, are,

Messrs. Baldwin, Barnett, Beall, Bentley, Bissell, Blackman, Busey, Carpenter, Courtright, Cox, Crain, Cunningham, Dodge, Dollins, Dunlap, English, Green, Hicks, Kelly, Kitchell, Lester, Logan, McClernand, McDonald, Moore, Murphy of Perry, Olds, Oliver, Parsons, Peck, Reynolds, Ross, Shepley, Turney, Wheeler, White, Wilson, and Wood—38.

When the bill was

*Ordered* to be engrossed for a third reading.

The House adjourned.

### WEDNESDAY, JANUARY 20, 1841.

House met pursuant to adjournment.

Mr. Thornton presented the petition of citizens of Mercer and Rock Island counties for a ferry across the Mississippi river; which, without reading, on his motion, was referred to a select committee.

*Ordered*, That Messrs. Thornton, Henderson, and Crain be said committee.

Mr. Busey presented the petition of citizens of De Witt and Champagne counties, for a State road; which, without reading, on his motion, was referred to a select committee.

*Ordered*, That Messrs. Busey, Wilson, and Froman be said committee.

Mr. Drummond presented the petition of John W. Spencer, Jonah H. Case, and others, in relation to water lots in the town of Stephenson; which, without reading, on his motion, was referred to the committee on the Judiciary.

Mr. Oliver presented the petition of the proprietors of Metropolis city, praying for an alteration in the streets and lots of said city; which, without reading, on his motion, was referred to a select committee.

*Ordered*, That Messrs. Waters, Oliver, and Dollins be said committee.

Senate bill for "An act to authorize the county commissioners of Monroe county to borrow money for certain purposes," was read the first time, and the second time by its title, and

*Ordered* to a third reading.

Senate bill for "An act to incorporate the Schuyler city Manufacturing Company," was read the first time, and the second time by its title, and,

On motion of Mr. Minshall,

Referred to the committee on Banks and other Corporations.

Mr. Crain, from the committee on Enrolled Bills, reported that he had this day laid before the Council of Revision for their approval, a bill for "An act for the formation of the county of Mason."

Senate bill for "An act organizing a school district in Vermilion county, and authorizing the sale of school lands therein," was read the first time, and

Ordered to a second reading.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

Mr. Speaker: I am directed by the Senate to inform the House of Representatives that they have passed a bill of the following title, to wit: "An act to locate a State road from Columbus, in Adams county, to Brooklyn, in Schuyler county."

In the passage of which they ask the concurrence of the House of Representatives.

A message from the Senate:

Mr. Speaker: I am directed by the Senate to inform the House of Representatives that they have passed bills of the following titles, viz:

"An act to incorporate the Greenville Hotel Company;"

"An act to incorporate the Trustees of the Winchester male and female common and preparatory schools;"

"An act to locate a State road from Columbus to Houston, in Adams county;"

"An act to incorporate the Farmer's Exporting Company;"

In the passage of which they ask the concurrence of the House of Representatives.

They have concurred with the House of Representatives in the passage of a bill for "An act fixing the time of holding court in the first Judicial Circuit."

Mr. Leary, from the committee on Engrossed Bills, reported as correctly engrossed a bill for "An act to create the county of Orange."

Senate bill for "An act to regulate foreign insurance company agencies established in the State of Illinois," was read the first time, and the second time by its title, and,

On motion of Mr. Leary,

Referred to the committee on Finance.

Senate resolution giving to Alexander Bielaski permission to take possession of his map of the State of Illinois for the purpose of having the same published," was read and concurred in.

Senate bill for "An act reorganizing the Judiciary of the State of Illinois," was read the first time, and on ordering the bill to a second reading, the yeas and nays being demanded,

Mr. Kitchell demanded a call of the House, and pending the call of the House,

The memorial from the Senate praying Congress to establish a Marine Hospital at the city of Cairo, in the county of Alexander, and State of Illinois, was read and concurred in.

The Doorkeeper having reported under the call of the House,

The consideration of the bill for "An act reorganizing the Judiciary of the State of Illinois," was resumed, and the bill was

*Ordered* to a second reading,

By yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Barnett, Bentley, Bissell, Blackman, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—49.

Those who voted in the negative, are,

Messrs. Able, Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Edwards, Emmerson, Francis, Froman, Gillespie, Gridley, Hardin, Henderson, Hull, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, and Woodson—39.

Mr. Ross moved to lay the bill on the table, and print one hundred and fifty copies for the use of this House; which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bentley, Bissell, Blackman, Brown of Vermilion, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Edwards, English, Gillespie, Green, Hankins, Hardin, Hicks, Humphrey, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Munsell, Murphy of Perry, Odam, Peck, Prentice, Ross, Scott, Threlkeld, Troy, Turney, Wheeler, Wilson, Wood, and Mr. Speaker—40.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Baldwin, Barnett, Beall, Bennett, Bradford, Brown of Sangamon, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Dunlap, Emmerson, Francis, Froman, Gridley, Henderson, Hull, Kelly, Kitchell, Laughlin, McLean, Marshall, Menard, Minshall, Moore, Murphy of Cook, Olds, Oliver, Ormsbee, Parkinson, Parsons, Phelps, Phillips, Reynolds, Thornton, Trumbull, Waters, Webb, White, and Woodson—46.

Senate bill for "An act to build a bridge across Macoupin creek, in Greene county," was read the first time, and

The rules of the House being dispensed with, the bill was read the second and third times by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof.

Senate bill for "An act authorizing administrators to settle estates in particular cases," was read the first time, and the second time by its title, and,

On motion of Mr. Leary,

Referred to the committee on the Judiciary.

Senate bills of the following titles were severally read the first time, and

*Ordered* to a second reading:



"An act to locate a State road from Shelbyville to Mint Point, in Coles county;"

"An act to enable the executors of James Hughes, deceased, to sell real estate, for the payment of debts and redemption of land;"

"An act to amend an act simplifying proceedings at law, for the collection of debts," approved February 25, 1833;

"An act to legalize the acts of Samuel C. McClure, as Probate Justice of the Peace of Ogle county;

"An act to amend an act, entitled 'An act confirming grants of property made for the encouragement of education, and for other purposes,'" approved February 1st, 1831;

"An act declaring a certain road in Fulton county a State road;" and

"An act to incorporate the Philomathean Society of Mount Carmel Illinois."

Senate bill for "An act to authorize the county commissioners of Pike county to execute a certain conveyance," was read the first time, and the second time by its title, and,

On motion of Mr. Wheeler,

Referred to a select committee.

*Ordered*, That Messrs. Wheeler, Phelps, and Parsons be said committee.

Senate bill for "An act to legalize certain acts of the Clerk of the circuit court of Coles county," was read the first time, and,

On motion of Mr. Cunningham,

The rules of the House were dispensed with, and the bill now read the second and third times by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof.

Senate bill for "An act to authorize the Madison county Ferry Company to construct a road or causeway," was read the first time, and the second time by its title, and

*Ordered* to a third reading.

Senate resolution fixing the time of adjournment of both branches of the Legislature on the fifteenth day of February next, and declaring that no new business should be introduced into either branch of the Legislature after the twenty-sixth day of the present month, coming up for consideration,

Mr. Ormsbee moved to lay the resolution on the table; which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Barnett, Bentley, Bissell, Busey, Carpenter, Courtright, Dollins, English, Green, Hankins, Hicks, Humphrey, Laughlin, Leary, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Murphy of Cook, Murphy of Perry, Oliver, Ormsbee, Parsons, Peck, Ross, Scott, Shepley, Trumbull, Turney, Waters, Wheeler, White, Wilson, Wood, and Mr. Speaker—39.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Blackman, Bradford, Brown, Sangamon, Brown of Vermilion, Canady, Cavarly, Charles, Cox, Craighill, Cunningham, Darnielle, Denny, Dougherty, Drummond, Dunlap, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Hendrickson, Hull, Kitchell, Lester, McLean, Menard, Minshall, Moore, Munson,



Odam, Parkinson, Phelps, Phillips, Prentice, Reynolds, Thornton, Threlkeld, Troy, Webb, and Woodson—47.

Mr. Odam moved to amend the resolution by striking out the "26th" and inserting the "30th."

Mr. McClernand moved to amend the resolution by striking out that portion of the resolution which relates to the reception of new business; And before any vote was taken on the proposed amendments,  
The House adjourned to 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Dodge demanded a call of the House, and pending the call,

Mr. Peck moved that the House adjourn; which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Barnett, Busey, Carpenter, Crain, Dodge, Dougherty, Dunlap, English, Gillespie, Hankins, Hardin, Hicks, Laughlin, Leary, Lester, McClernand, McDonald, McGinnis, McLean, Marshall, Minshall, Murphy of Cook, Parkinson, Peck, Prentice, Scott, Shepley, Turney, Webb, Wheeler, White, and Mr. Speaker—34.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Baldwin, Bennett, Bissell, Brown of Sangamon, Brown of Vermilion, Canady, Cavarly, Charles, Courtright, Cox, Cunningham, Darnielle, Denny, Dollins, Drummond, Edwards, Emerson, Francis, Froman, Funk, Green, Gridley, Kitchell, McClurken, Moore, Munsell, Odam, Ormsbee, Phillips, Thornton, Threlkeld, Troy, Trumbull, Wilson, Woodson, and Wood—38.

Bill for "An act supplemental to an act defining the duties of Public Printer, and fixing the time and manner of performing the same," was read the second time, and

Mr. Hardin moved to refer the bill to the committee on the Judiciary, with the following instruction:

"With instruction to amend the bill so as to make the Public Printer furnish all the paper he may use without any advance on the part of the State; which,

On motion of Mr. Ormsbee,

Was laid on the table, and the bill was

Ordered to be engrossed.

The bill for "An act to establish a ferry across the Illinois river, at Peru," was read the second time, and

Ordered to be engrossed.

The bill for "An act for the specific execution of contracts, in relation to the payment of interest," was read the second time; when

The Doorkeeper having reported under the call of the House,

The Senate resolution for adjournment was taken up for consideration, and

Mr. English moved to refer the resolution to the committee on Finance.

Mr. Trumbull demanded the previous question; which was sustained.

And on referring the resolution to the committee on Finance, the yeas and nays were demanded, and

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Barnett, Bentley, Bissell, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kelly, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Oliver, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turney, Waters, Wheeler, White, Wilson, Wood, and Mr. Speaker—47.

Those who voted in the negative, are,

Messrs. Able, Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Edwards, Emerson, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Hull, Kitchell, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Webb, West, and Woodson—41.

When the bill for "An act for the specific execution of contracts," in relation to the payment of interest, was again taken up for consideration,

And Mr. Brown of Vermilion moved to amend the bill by adding the following proviso to the second section;

"And provided, That nothing in this act contained shall be so construed as to apply to contracts made anterior to the passage of this act."

Mr. Henderson moved the indefinite postponement of the bill and amendment; which was agreed to, and

The House adjourned.

## THURSDAY, JANUARY 21, 1841.

House met pursuant to adjournment.

Mr. Edwards presented the petition of citizens of Alton, in relation to a bill for the taxation of agencies of foreign insurance companies; which, without reading, on his motion, was referred to the committee on Finance.

Mr. Webb presented the petition of citizens of White county, in relation to mills at Carmi; which, without reading, on his motion, was referred to the committee on Canals and Canal Lands.

Mr. Shepley presented the petition of sundry citizens of Fulton county, praying for an alteration of the laws in relation to common schools, and the erection of school houses by tax; which, without reading, on his motion, was referred to the committee on Education.

Mr. Crain, from the committee on Engrossed Bills, reported as correctly engrossed, bills of the following titles:

"An act for the relief of Nathan Low;"

"An act to authorize the county commissioners of Brown county to appoint an assessor;"

"An act in relation to incorporated towns and cities in this State;"

The bill for "An act providing for the election of a public binder, and defining his duties," was read the second time, and  
*Ordered* to be engrossed.

Senate bills of the following titles were severally read the first time, and the second time by their titles, and referred to the committee on Education.

"An act to incorporate the Payson Academy;"

"An act to incorporate the Bond county Academy."

Senate bills of the following titles were severally read the first time, and the second time by their titles, and referred to the committee on the Judiciary.

"An act to amend an act, entitled 'An act to incorporate the town of Jacksonville, and for other purposes;'"

"An act to provide for the payment of certain debts due from the State to the Banks."

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives, that they have concurred with them in the passage of bills of the following titles, to wit:

"An act to incorporate the town of Galesburg, in Knox county;"

"An act for a State road from Shawneetown to Vienna."

They have concurred with them in the passage of a bill for an act, supplemental to an act in relation to the Charleston Seminary and Jonesboro' College, approved February 3, 1840, as amended by them.

In which amendments they ask the concurrence of the House of Representatives.

They have also refused to concur with the House of Representatives in the passage of a bill for the relief of Elizabeth Hart.

A message from the Council of Revision, by Mr. Purinton, their Secretary:

"An act fixing the time of holding courts in the sixth judicial circuit."

Senate bills of the following titles were severally read the first time, and the second time by their titles, and referred to the committee on Banks and other Corporations:

"An act to incorporate the Western Marine and Fire Insurance Company;"

"An act to amend an act, entitled 'An act to incorporate the town of Kaskaskia;' approved January 6, 1818;

"An act to amend an act entitled 'An act to incorporate the Jo Daviess Marine and Fire Insurance Company.'"

The Senate bill for "An act to vacate a part of the town of Lowell," was read the first time, and

On motion of Mr. Henderson,

Indefinitely postponed.

*Ordered,* That the Clerk inform the Senate thereof.

Senate bill for "An act concerning county seats and county lines," was read the first time, and the second time by its title, and

On motion of Mr. Dollins,

Referred to the committee on Counties.

Senate bill for "An act to authorize the county commissioners of Jefferson county to borrow money," was read the first time, and

*Ordered* to a second reading.

Senate bill for "An act to increase the compensation of the clerk of the county commissioner's court of Green county, for ex officio services," was read the first time, and the second time by its title, and

On motion of Mr. English,

Referred to the committee on Finance.

Senate bill for "An act to amend an act to incorporate the town of Rushville," approved March 2, 1839, was read the first time, and the second time by its title, and

On motion of Mr. Minshall,

Referred to a select committee.

Ordered, That Messrs. Minshall, Bradford, and Lester be said committee.

House bill for "An act in relation to a road therein named," with the Senate amendments thereto, coming up for consideration,

The amendments were read and concurred in.

Ordered, That the Clerk inform the Senate thereof.

Senate bill for "An act to charter a female academy in Marion county," with the disagreeing vote of the Senate to the House amendments thereto, coming up for consideration;

On motion of Kitchell,

The House receded from their amendments to the bill.

Ordered, That the Clerk inform the Senate thereof.

Senate bill for "An act authorizing an additional justice of the peace and constable in the town of Florence, in Pike county," was read the first and second times by its title, and

On motion of Mr. Parsons,

Referred to a select committee.

Ordered, That Messrs. Parsons, Humphrey, and Wheeler be said committee.

Senate resolution prohibiting the Fund Commissioner from selling or hypothecating State bonds but for certain specified purposes, was read, and

On motion of Mr. McClernand,

Referred to the committee on Finance.

Senate resolution for the election of a Fund Commissioner, was read, and

Mr. Dougherty moved to amend the same by striking out the "ninth" and inserting the "twenty-second," so as to bring on the election of Fund Commissioner to-morrow.

Mr. Cavarly moved to lay the resolution and proposed amendment on the table; which was not agreed to, and

The motion of Mr. Dougherty to amend was rejected, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bentley, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Emmerson, Francis, Froman, Gillespie, Gridley, Hardin, Hull, Leary, Lincoln, Logan, Marshall, McNard, Minshall, Munsell, Murphy of Perry, Parkinson, Parsons, Peck, Phelps, Phillips, Prentice, Reynolds, Threlkeld, Troy, Webb, and Woodson—42.

Those who voted in the negative, are,

Messrs. Baldwin, Barnett, Bissell, Busey, Carpenter, Cavarly, Dollins,

Dunlap, Edwards, English, Green, Hankins, Henderson, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Lester, McClernand, McClurken, McDonald, McGinnis, McLean, Moore, Murphy of Cook, Odam, Olds, Oliver, Ormsbee, Ross, Scott, Shepley, Thornton, Trumbull, Turney, Waters, West, Wheeler, Wilson, Wood, and Mr. Speaker—42.

Mr. McClernand moved to amend the resolution by striking out all after the word "resolved" and inserting the following:

"The Senate concurring herein, that the General Assembly of this State shall meet in the Hall of the House of Representatives on the 22d inst., at 2 o'clock, P. M. for the purpose of electing an Auditor of Public Accounts, a Treasurer and a Public Printer."

Mr. Webb moved to amend the amendment by inserting after "Public Printer" the words "Fund Commissioner."

Mr. Cavarly moved to lay the amendment proposed by Mr. Webb on the table;

Which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Bissell, Busey, Carpenter, Cavarly, Courtright, Crain, Dollins, Dunlap, English, Green, Hankins, Henderson, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Lester, McClernand, McClurken, McDonald, Moore, Murphy of Cook, Oliver, Ormsbee, Ross, Scott, Shepley, Trumbull, Turney, Waters, Wheeler, Wilson, Wood, and Mr. Speaker—36.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Barnett, Beall, Bennett, Bentley, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Edwards, Emmerson, Francis, Froman, Gillespie, Gridley, Hardin, Hull, Leary, Lincoln, Logan, McGinnis, McLean, Marshall, Menard, Minshall, Munsell, Murphy of Perry, Odam, Olds, Parkinson, Parsons, Peck, Phelps, Phillips, Prentice, Reynolds, Thielkeld, Troy, Webb, West, White, and Woodson—50.

And the question being put on agreeing to Mr. Webb's proposed amendment.

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Barnett, Bentley, Bissell, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Dougherty, Edwards, Emmerson, Francis, Froman, Gillespie, Gridley, Hardin, Henderson, Hull, Leary, Lincoln, Logan, McGinnis, McLean, Marshall, Menard, Minshall, Moore, Munsell, Murphy of Perry, Parkinson, Parsons, Peck, Phillips, Prentice, Reynolds, Threlkeld, Troy, Webb, West, White, and Woodson—48.

Those who voted in the negative, are,

Messrs. Baldwin, Barnett, Busey, Carpenter, Cavarly, Courtright, Crain, Dollins, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Lester, McClernand, McDonald, Murphy of Cook, Odam, Olds, Oliver, Ormsbee, Ross, Shepley, Trumbull, Turney, Waters, Wheeler, Wilson, Wood, and Mr. Speaker—33.

Mr. Olds moved to lay the amendment, as amended, on the table;

Which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Busey, Cavarly, Courtright, Crain, Dollins, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Lester, McDonald, Olds, Oliver, Ormsbee, Ross, Trumbull, Turney, Waters, Wheeler, Wilson, and Wood—27.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bentley, Bissell, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Carpenter, Charles, Cox, Cunningham, Darnielle, Denny, Drummond, Dougherty, Edwards, Emmerson, Francis, Froman, Gillespie, Gridley, Hardin, Henderson, Hull, Leary, Lincoln, Logan, McClernand, McGinnis, McLean, Marshall, Menard, Minshall, Moore, Munsell, Murphy of Cook, Murphy of Perry, Odam, Parkinson, Parsons, Peck, Phelps, Phillips, Prentice, Reynolds, Scott, Shepley, Threlkeld, Troy, Webb, White, Woodson, and Mr. Speaker—56.

On motion of Mr. Trumbull,

The amendment was further amended by adding after "Public Printer" "State's Attornies for the second, fourth, and fifth judicial circuits."

On motion of Mr. Olds,

The amendment was further amended by striking out "twenty-second" and inserting "twenty-third;" when the amendment of Mr. McClernand, as amended, was agreed to, and the resolution, as amended, was concurred in by the House.

*Ordered*, That the Clerk inform the Senate thereof, and ask their concurrence in the amendments of the House, and

On motion,

The House adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Crain, from the committee on Enrolled Bills, reported as correctly enrolled, bills of the following titles:

"An act to change the name of a person therein named;"

"An act to authorize the county commissioners of Christian county to borrow money;"

"An act to legalize the acts of the commissioners of Jasper county;"

"An act to vacate a part of the town plat of Bennett's addition to the town of Petersburg, and for other purposes;"

"An act for the location of a State road in the counties of Hamilton, Franklin, and Perry;"

"An act for the formation of the county of Piatt."

Senate bill for "An act to amend an act to authorize Henry W. Cleveland to build a bridge across the Winnebago Swamp," approved February 19, 1839, was read the first time, and the second time by its title, and

On motion of Mr. Drummond,

Referred to a select committee.

*Ordered*, That Messrs. Drummond, Phillips, and Denny be said committee.

The Senate resolutions proposing to instruct our Senators, and request our Representatives in Congress, in relation to redemption of "Continental paper," was read and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

Senate bill for "An act for the relief of the Sheriff of Schuyler county," was read the first time, and the second time by its title, and

Mr. Minshall moved to amend the second section by adding the following as a proviso:

"*Provided also*, That if the said John G. McHatton shall not well and truly pay or cause to be paid the whole of the aforesaid revenue due, and owing the State from him, as collector, on or before the first day of April, as provided in this act, then and in that case, the said office of sheriff shall be deemed vacant; and the coroner of the county of Schuyler shall perform all and singular the duties of sheriff of Schuyler, until a sheriff shall be duly elected and qualified for said county, according to the laws now in force, requiring vacancies in the office of sheriff to be filled."

Which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Drummond, Edwards, Emmerson, Froman, Gillespie, Gridley, Hardin, Henderson, Kitchell, Logan, McGinnis, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, and Woodson—39.

Those who voted in the negative, are,

Messrs. Baldwin, Barnett, Bentley, Bissell, Bussey, Carpenter, Cavarly, Courtright, Crain, Dollins, Dougherty, Dunlap, English, Hicks, Humphrey, Kelly, Laughlin, Leary, Lester, McClelland, McClurken, McDonald, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Wheeler, White, Wilson, Wood, and Mr. Speaker—41.

When the bill was

*Ordered* to a third reading.

Senate bill for "An act to limit the term of public administrators, notaries public, and masters in chancery," was read the first time, and

*Ordered* to a second reading.

Senate bill for "An act for the relief of certain securities therein named," was read the first time, and the second time by its title, and

Mr. Gridley moved to amend the bill by inserting after the word "Coroner" the words "Clerk of the Circuit Court;" and

On motion of Mr. Trumbull,

The bill and proposed amendment were referred to the committee on the Judiciary.

House bill for "An act to incorporate the town of Macomb," with Senate amendments thereto, were considered; and the Senate amendments thereto were read and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

Senate bill for "An act to incorporate the Cairo City Mills," was read the first and second times by its title, and



On motion of Mr. English,

Referred to the committee on Banks and other Corporations.

Senate bill for "An act to amend the several acts to extend the corporate powers of the town of Peoria," was read the first time, and the second time by its title, and

On motion of Mr. Turney,

Referred to the committee on Internal Improvements.

Senate bill for "An act to authorize the county commissioners' court of Ogle county to levy and collect a tax," was read the first time, and

On motion of Mr. Drummond,

Was laid on the table.

Senate bill for "An act to increase the payment of a bounty on wolf scalps," was read the first time, and

On motion of Mr. Henderson,

Indefinitely postponed, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Barnett, Beall, Bentley, Bissell, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Carpenter, Cavarly, Charles, Crain, Cunningham, Darnielle, Denny, Dollins, Drummond, Dunlap, Edwards, English, Gillespie, Gridley, Henderson, Hicks, Kelly, Kitchell, Leary, Lester, Lincoln, Logan, McClernand, McClurken, McGinnis, McLean, Marshall, Minshall, Moore, Munsell, Odam, Olds, Ormsbee, Peck, Prentice, Ross, Scott, Shepley, Thornton, Trumbull, Turney, Waters, West, White, Wilson, Woodson, and Mr. Speaker—56.

Those who voted in the negative, are,

Messrs. Bailey, Baldwin, Blackman, Canady, Courtright, Cox, Dougherty, Emmerson, Froman, Hardin, Laughlin, McDonald, Menard, Murphy of Cook, Murphy of Perry, Oliver, Parkinson, Parsons, Phelps, Phillips, Reynolds, Threlkeld, Webb, Wheeler, and Wood—25.

Ordered, That the Clerk inform the Senate thereof.

The Speaker laid before the House a communication from the Governor, enclosing a letter from the Fund Commissioner, in relation to the payment of interest; which was read and laid on the table.

Also, a communication from the Governor, enclosing a letter from A. H. Bangs, of New York, in relation to debt due from him to the State of Illinois; which was read, and

On motion of Mr. Cavarly,

Referred to the committee on Finance.

Also, a communication from the Governor, enclosing a letter from Judge Young; which were read, and

On motion of Mr. Hardin,

Referred to the committee on the Judiciary.

On motion of Mr. Hardin,

The following resolution relating to the above last communication was adopted.

"Resolved, That the President of the Illinois and Michigan Canal be instructed to report to this House a copy of any letter he may have received from Nevins, Townsend & Co., respecting the payment of \$11,000 to them by Judge Young, of money borrowed of them by the President of the Canal Board."



Also, a communication from Josiah Lamborn, the Attorney General of the State; which was read, and

On motion of Mr. English,

Referred to the committee on the Judiciary.

Mr. Henderson, on leave, introduced a bill for "An act to amend the laws relating to the redemption of real estate;" which was read the first time, and the second time by its title, and

On motion of Mr. Henderson,

Referred to the committee on the Judiciary.

Mr. Cavarly offered for adoption the following resolution:

*Resolved*, That the bill for 'An act providing for the reorganization of the judiciary,' shall be the special order every day at the opening of each afternoon session, until the same shall be disposed of.

Mr. Webb moved that the resolution be laid on the table.

Mr. Trumbull demanded a call of the House, and the roll being called over,

On motion of Mr. Turney,

Further proceedings under the call of the House were dispensed with, and the motion to lay the resolution on the table

Was decided in the negative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Dunlap, Edwards, Emmerson, Froman, Gillespie, Gridley, Hardin, Henderson, Leary, Lincoln, McLean, Menard, Minshall, Munsell, Oliver, Parkinson, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, and Woodson—41.

Those who voted in the negative, are,

Messrs. Baldwin, Bentley, Bissell, Blackman, Carpenter, Cavarly, Court-right, Crain, Dollins, English, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—41.

Mr. Turney demanded the previous question.

Mr. Hardin demanded a call of the House; and the roll having been called over,

On motion of Mr. Olds,

Further proceedings under the call of the House were dispensed with.

And on the question—"Shall the main question be now put?"

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Bentley, Bissell, Blackman, Carpenter, Cavarly, Court-right, Crain, Dollins, Dunlap, English, Green, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Lester, Logan, McClernand, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—43.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Edwards, Emmerson, Froman, Gil-

Ilespie, Gridley, Hardin, Henderson, Leary, Lincoln, McLean, Menard, Minshall, Munsell, Oliver, Parkinson, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, and Woodson—40.

And Mr. Cavarly's resolution was agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Bentley, Bissell, Blackman, Busey, Carpenter, Cavarly, Courtright, Crain, Dollins, English, Green, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—43.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Deny, Dougherty, Drummond, Dunlap, Edwards, Emmerson, Froman, Gillespie, Gridley, Hardin, Henderson, Leary, Lincoln, McLean, Menard, Minshall, Munsell, Oliver, Parkinson, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, and Woodson—40.

When,

On motion,

The House adjourned.

## FRIDAY, JANUARY 22, 1841.

House met pursuant to adjournment.

Mr. Crain, from the committee on Engrossed Bills, reported as correctly engrossed, bills of the following titles:

"An act to amend an act relative to criminal jurisprudence;"

"An act to extend the location of the Darwin and Charleston turnpike from Charleston to Springfield."

Mr. Leary, from the committee on Engrossed Bills, reported as correctly engrossed, bills of the following titles:

"An act supplemental to an act defining the duties of Public Printer, and fixing the time and manner of performing the same;"

"An act providing for the election of Public Binder;"

"An act to repeal an act incorporating the town of Shelbyville;"

"An act to establish a ferry across the Illinois river at Peru."

Mr. Olds presented the petition of citizens of Macoupin county, praying for a new county; which, without reading, on his motion, was referred to the committee on Counties.

Mr. Dougherty presented the petition of citizens of Alexander and Union counties, in relation to the navigation of Clear creek; which, without reading, on his motion, was referred to a select committee.

*Ordered*, That Messrs. Dougherty, Logan, and McGinnis be said committee.

Mr. Barnett presented the petition of citizens of Logan, Macon, and De Witt counties, for a State road; which, without reading, on his motion, was referred to a select committee.

*Ordered*, That Messrs. Barnett, Busey, and Gridley be said committee.

Mr. Brown of Sangamon presented the petition of citizens of Sangamon county, for a new county; which, without reading, on his motion, was referred to the committee on Counties.

Mr. Hardin presented the petition of citizens of Morgan county, for a new county; which, without reading, on his motion, was referred to the committee on Counties.

Also, the remonstrance of citizens of Morgan county against a division of said county; which, without reading, on his motion, was referred to the committee on Counties.

Mr. Troy also presented the remonstrance of 54 citizens of Morgan county against a division of said county; which, without reading, on his motion, was referred to the committee on Counties.

Mr. Charles presented the petition of citizens of Hancock county for a State road; which, without reading, on his motion, was referred to the committee on State Roads.

Mr. Ross presented the petition of citizens of Fulton county for a State road; which, without reading, on his motion, was referred to the committee on State Roads.

Mr. Hicks presented the petition of David F. Berry for a divorce; which, without reading, on his motion, was referred to the committee on the Judiciary.

Mr. Blackman presented the petition of the Trustees of Shawneetown and citizens of said town in relation to the river bank in front of said town; which without reading, on his motion, was referred to the committee on Canals and Canal Lands.

Mr. Murphy of Cook, from the committee on Banks and other Corporations, to which was referred the communication of the President of the State Bank, reported the same back, and was discharged from the further consideration of the same;

Also, from the same committee, to which was referred the bill for "An act to incorporate the town of Marion," reported the same back to the House, with an amendment to strike out the 11th section of the bill; which was concurred in, and the bill

*Ordered* to be engrossed.

Mr. Hardin offered for adoption the following resolution:

*Resolved*, That the Senate be respectfully notified by the Clerk of this House, that if any message has been received from the Senate on the disagreeing vote of the two Houses on the apportionment resolution, the same has been lost or mislaid, and a copy of the order of the Senate on this subject is requested for the action of this House;" which was agreed to.

Mr. McClernand, from the committee on Canals and Canal Lands, to which was referred the bill for "An act to create the county of Grundy, from the county of La Salle," reported the same back to the House with amendments; which were read and concurred in, and the bill was

*Ordered* to be engrossed.

Mr. Dodge, from the committee on Canals and Canal Lands, to which was referred the petition of James M. Strode, reported a bill for "An act to authorize James M. Strode to build a dam across Fox river;" which was read the first time, and the second time by its title, and

*Ordered* to be engrossed.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have refused to concur with them in their amendment to a resolution in relation to the apportionment of representation, &c.

Mr. Carpenter, from the committee on Counties, to which was referred the petition of citizens of Lake county, reported a bill for "An act to relocate the county seat of Lake county;" which was read the first time, and the second time by its title, and

*Ordered* to be engrossed,

Mr. Peck, from the committee on Finance, to which was referred the bill for "An act to create a permanent Board of Auditors," reported the same back with an amendment as a substitute; which was read, and

Mr. Kitchell moved to amend the fifth section of the report by striking out the words "or drafts," and also the words "which drafts may be divided into sums not less than fifty dollars;" which motion,

On motion of Mr. Archer,

Was laid on the table, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Archer, Bailey, Beall, Bennett, Bentley, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Carpenter, Cavarly, Charles, Courtright, Cox, Cunningham, Darnielle, Denny, Dodge, Drummond, Edwards, Emmerson, English, Froman, Gillespie, Green, Gridley, Hardin, Henderson, Hicks, Hull, Humphrey, Laughlin, Leary, Lester, Lincoln, Logan, McGinnis, McLean, Marshall, Menard, Minshall, Munsell, Murphy of Cook, Oliver, Ormsbee, Parkinson, Peck, Phelps, Prentice, Reynolds, Scott, Thornton, Threlkeld, Troy, Turney, Waters, Webb, West, White, Woodson, and Mr. Speaker—64.

Those who voted in the negative, are,

Messrs. Baldwin, Bissell, Crain, Dollins, Dougherty, Dunlap, Hankins, Kelly, Kitchell, McClernand, McClurken, McDonald, Moore, Murphy of Perry, Odum, Olds, Parsons, Phillips, Ross, Trumbull, Wheeler, Wilson, and Wood—23.

On motion of Mr. Murphy of Cook,

The following proviso was added to the fifth section of the report:

"*Provided* That should the amount due to any contractor or other person be less than fifty dollars, a draft shall be issued for the said amount."

Mr. Trumbull moved to amend the report by striking out the fifth section, and so much of the first section as relates to the settlement with contractors.

Mr. Kitchell demanded a division of the question so as to take the vote separately on each of the sections proposed to be amended.

Mr. White demanded the previous question; which motion was not sustained, and before the question was put on Mr. Trumbull's proposed amendment,

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Cavarly moved that the House now resolve itself into committee of the Whole, on the Judiciary Bill.

Mr. Webb demanded a call of the House, and pending the call,

Mr. Webb, from the select committee to which was referred the Senate bill for "An act to amend an act, entitled 'An act to incorporate the town of Carmi,'" approved January 30th, 1840, reported the same back to the House with an amendment; which was read and concurred in, and the bill read the third time by its title, and passed, and the title,

On motion of Mr. Webb,

Was amended by adding the words, "and for other purposes."

*Ordered*, That the Clerk inform the Senate thereof, and ask their concurrence in the amendments thereto.

Mr. Brown of Sangamon, on leave, presented the petition of 700 citizens of Sangamon county, for a certain division of said county; which, without reading, on his motion, was referred to the committee on Counties.

A message from the Senate, by Mr. Berry, their Assistant Secretary :

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives, that they have concurred with them in their amendments to a resolution having for its object the election of an Auditor of Public Accounts, a Treasurer, a Fund Commissioner, a Public Printer, and State's Attornies for the 2d, 4th, and 5th Judicial Circuits.

A message from the Senate, by Mr. Berry, their Assistant Secretary :

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that they have adopted the following resolution:

*Resolved*, That the resolution, together with the report, of the select committee appointed by the Senate to examine into the contracts and acts of the Commissioner of the Sixth Judicial Circuit, in relation to the improvement of the Upper Rapids of Rock river, some days since, be referred back to the same committee, with instructions to re-examine the same, and report to the Senate the result of such examination, and that the House of Representatives be requested to return to the Senate the resolution and report above referred to, for the further action of the Senate upon this subject.

In the passage of which resolution they ask the concurrence of the House of Representatives.

Mr. Cox, on leave, introduced a bill for "An act to incorporate the Morgan Agricultural and Stock Association;" which was read the first time, and the second time by its title, and on his motion, referred to the committee on Agriculture and Manufactures.

Mr. Dougherty, on leave, introduced a bill for "An act to relocate the State road from Jonesboro' to Willard's ferry;" which was read the first time, and the second time by its title, and

*Ordered* to be engrossed.

Mr. Ormsbee, on leave, introduced a bill for "An act in relation to an act to incorporate the Exeter Manufacturing Company," approved March 1st, 1839; which was read the first time, and the second time by its title,

and on his motion, referred to the committee on Banks and other Corporations.

Mr. Gridley, on leave, introduced a bill for "An act declaring a road therein named a State road;" which was read the first time, and second time by its title, and on his motion, referred to the committee on State Roads.

Mr. Gillespie, from the select committee to which was referred the bill for "An act to extend the limits of Bond county," on leave, reported the same back to the House and recommended its passage, and before the vote was taken on its passage,

The Doorkeeper reported,

And the House resumed the consideration of the bill for "An act reorganizing the Judiciary of the State of Illinois;" which was read the second time, and,

On motion of Mr. Cavarly,

The House went into committee of the Whole, on the consideration of the same, Mr. English in the Chair; and after some time spent therein, the committee rose, reported progress, and obtained leave to sit again; when,

On motion,

The House adjourned.

## SATURDAY, JANUARY 23, 1841.

House met pursuant to adjournment.

Mr. Crain, from the committee on Enrolled bills, made the following report:

The committee on Enrolled Bills have this day laid before the Council of Revision for the approval of bills of the following titles:

"An act to change the name of a person therein named;"

"An act to authorize the county commissioners of Christian county to borrow money;"

"An act to legalize the acts of the commissioners of Jasper county;"

"An act to vacate a part of the town plat of Bennett's addition to the town of Petersburg, and for other purposes;" and

"An act for the formation of the county of Piatt;"

"An act for the location of a State road in the counties of Hamilton, Franklin, and Perry."

Mr. Francis presented the petition of Samuel Grubb for relief; which was read, and on his motion, referred to the committee on Internal Improvements.

Mr. Waters presented the petition of citizens of Pope county for a new county; which, without reading, on his motion, was referred to the committee on Counties.

Mr. Hankins presented the remonstrance of sundry citizens of Effingham county against a division of said county; which, without reading, on his motion, was referred to the committee on Counties.

Mr. Scott presented the petition and remonstrance of citizens of Clinton county in relation to a State road; which, without reading, on his motion, was referred to the committee on State Roads.

Mr. Oliver presented the petition of sundry citizens of Johnson county for a new county;

Also, a remonstrance of citizens of the same county against a division of the same; which, without reading, on his motion, was referred to the committee on Counties.

Mr. Hankins presented the petition of sundry citizens of Effingham county in relation to the sale of certain 16th sections in said county; which, without reading, on his motion, was referred to a select committee.

*Ordered*, That Messrs. Hankins, Kitchell, and Green be said committee.

Mr. Kitchell, from the Judiciary committee, to which was referred a bill for "An act to incorporate the Schuyler City Manufacturing Company," reported the same back, and on his motion, the bill was referred to the committee on Banks and other Corporations.

The bill for "An act creating a permanent Board of Auditors," coming up for consideration,

Mr. Archer demanded a call of the House, and pending the call,

Mr. Hardin, from the committee on the Judiciary, introduced a bill for "An act to amend the several acts in relation to constables;" which was read the first time, and the second time by its title, and

*Ordered* to be engrossed.

Mr. English, from the committee on Finance, to which was referred the Senate bill for "An act to increase the compensation of the Clerk of the County Commissioners' Court of Greene county, for ex officio services," reported the same back to the House, with an amendment as a substitute; which was read, and,

On motion of Mr. Charles,

The report of the committee was amended by adding the following proviso:

*"Provided*, That the county of Hancock shall be exempted from the operation of this act; when,

On motion of Mr. Dollins,

The report of the committee, as amended, was laid on the table, and,

On motion of Mr. Webb,

The bill was also laid on the table.

Mr. Peck, from the committee on Finance, introduced the following bills, to wit:

"An act concerning the taxes of Greene and Jersey counties;"

"An act concerning the revenue of Bond county;" which were severally read the first time, and the second time by their titles, and

*Ordered* to be engrossed.

Mr. Cavarly, from the Judiciary committee, to which was referred the Senate bill for "An act to provide for the safe keeping and disbursement of the public revenue," reported the same back to the House, with amendments, which were read and concurred in,

And the Doorkeeper having reported under the call of the House,

The consideration of the bill for "An act to create a permanent Board of Auditors," was resumed, and,

On motion of Mr. Munsell,

The report was amended by adding the following proviso:

*"Provided, also*, It shall be the duty of the Auditors aforesaid to provide a book, in which they shall enter, or cause to be entered, the amount they

shall award to any individual or individuals, and the service or object for which such allowance is made; and in case they shall divide the evidences of debt into a number of checks or drafts, they shall specify the number of checks or drafts issued on account of said claim, with the amount that each particular draft calls for;

And the question being on the motion of Mr. Trumbull to strike out the 5th section,

It was decided in the negative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Barnett, Bissell, Cavarly, Courtright, Cox, Crain, Dollins, Dougherty, English, Hankins, Kitchell, Logan, McClernand, Marshall, Minshall, Moore, Murphy of Perry, Odam, Olds, Ormsbee, Parsons, Scott, Troy, Trumbull, Wheeler, Wilson, Wood, and Mr. Speaker—29.

Those who voted in the negative, are,

Messrs. Able, Archer, Bailey, Beall, Bennett, Bentley, Blackman, Bradford, Brown of Sangamon, Busey, Canady, Carpenter, Charles, Cunningham, Darnielle, Denny, Dodge, Drummond, Dunlap, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Green, Hardin, Henderson, Hicks, Hull, Humphrey, Kelly, Laughlin, Leary, Lester, Lincoln, McClurken, McDonald, McGinnis, McLean, Menard, Munsell, Murphy of Cook, Oliver, Parkinson, Peck, Phelps, Phillips, Prentice, Reynolds, Shepley, Thornton, Threlkeld, Turney, Waters, Webb, West, and Woodson—58.

And Mr. Trumbull's amendment, proposing to strike out part of the first section, was not agreed to.

Mr. Brown of Sangamon moved to amend the sixth section of the report by striking out the words "same per diem compensation for the time," and insert "the sum of two dollars and fifty cents for each day;" also, to strike out the words, "as was allowed such person by law while in office;" which was agreed to.

Mr. Charles moved to amend by inserting after the words "said Board of Auditors," the words, "on the requisition of said Board;" which was agreed to.

Mr. Ormsbee moved to amend the fifth section by adding the following:

*"Provided, further, That the nature and form of said drafts shall not in any manner conflict with the Constitution and laws of this State, or of the United States; and the power of said Board to issue drafts shall extend only to the payment or payments for work lawfully done on account of the system of internal improvements of the State, and shall expire and wholly cease on the 20th day of February next;"* which,

On motion of Mr. Gillespie,

Was laid on the table by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Able, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Charles, Denny, Dodge, Dougherty, Drummond, Edwards, Emmerson, Francis, Funk, Gillespie, Green, Gridley, Hardin, Henderson, Hull, Humphrey, Laughlin, Leary, Lincoln, McLean, Menard, Minshall, Munsell, Parkinson, Peck, Phelps, Phillips, Prentice, Reynolds, Scott, Thornton, Troy, Turney, Waters, Webb, and West—46.



Those who voted in the negative, are,  
Messrs. Baldwin, Barnett, Bentley, Bissell, Blackman, Cavarly, Carpenter, Courtright, Cox, Crain, Cunningham, Darnielle, Dollins, English, Froman, Hankins, Kelly, Kitchell, Lester, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Ross, Threlkeld, Trumbull, Wheeler, Wilson, Woodson, Wood, and Mr. Speaker.—39.

Mr. Gillespie moved to amend the report by adding the following as an additional section:

“It shall be the duty of every person or persons previous to presenting his claims for adjustment, to cause a written notice of his intention to be served upon the Attorney General of this State, ten days before such presentation, who shall attend before said Board, and manage to the best of his skill and ability the interests of this State; and either party may, if dissatisfied with any decision of said Board, have an appeal to the Supreme Court of this State; and if such appeal shall be taken by the person or persons presenting such claim, he or they shall enter into bond, with security, to cover all damages which the State may sustain by reason of taking such appeal.”

Mr. Ormsbee moved to lay the proposed amendment on the table; which was not agreed to.

Mr. Ormsbee moved to lay the bill and proposed amendments on the table; which was not agreed to;

When the additional section proposed by Mr. Gillespie, was agreed to, by yeas and nays, as follows, to wit:

Those who voted in the affirmative, are,  
Messrs. Archer, Bailey, Baldwin, Bennett, Blackman, Brown of Sangamon, Brown of Vermilion, Canady, Carpenter, Cavarly, Charles, Cox, Cunningham, Darnielle, Dollins, Dougherty, Dunlap, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Green, Hankins, Kitchell, Lincoln, McClernand, McLean, Moore, Munsell, Murphy of Perry, Odam, Olds, Parsons, Phelps, Reynolds, Ross, Threlkeld, Troy, Trumbull, Waters, and Woodson—44.

Those who voted in the negative, are,  
Messrs. Able, Barnett, Beall, Bentley, Bissell, Bradford, Bussey, Courtright, Crain, Denny, Dodge, English, Hardin, Henderson, Hicks, Hull, Humphrey, Laughlin, Leary, Lester, McClurken, McDonald, McGinnis, Menard, Minshall, Murphy of Cook, Oliver, Parkinson, Peck, Phillips, Prentice, Scott, Shepley, Thornton, Turney, Webb, West, Wheeler, Wilson, Wood, and Mr. Speaker—41.

The question was then put on agreeing with the committee on Finance in their report, as amended, when the report and amendments were rejected.

Mr. Dodge moved to lay the bill and proposed amendments on the table; which was not agreed to.

Mr. Dodge moved the reference of the bill and proposed amendments to a select committee of seven; which was agreed to.

*Ordered*, That Messrs. Dodge, Archer, Henderson, Trumbull, Murphy of Perry, Hardin, and Green be said committee.

Mr. McClernand, from the committee on Canals and Canal Lands, on leave, introduced a bill for “An act to authorize the State to lease the mills

at New Haven and Carmi, on the Little Wabash river;" which was read the first time, and the second time by its title.

Mr. Turney moved to refer said bill to a select committee; when The House adjourned to 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Gillespie, on leave, introduced a bill for "An act to amend an act in relation to insolvent debtors;" which was read the first time, and the second time by its title, and on his motion, referred to the committee on the Judiciary.

On motion of Mr. Dodge,

The Senate resolution in relation to the report of the select committee appointed to investigate acts of the Commissioner of the 6th Judicial Circuit, requesting the return thereof to the Senate, was taken up and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Trumbull demanded a call of the House, which having continued some time,

On motion of Mr. Olds,

Further proceedings under the call were dispensed with,

The Senate, preceded by their Speaker, appeared in the Hall of the House of Representatives, in pursuance of a joint resolution of the two Houses, for the purpose of electing an Auditor of Public Accounts, a Treasurer, a Fund Commissioner, a Public Printer, and State's Attorneys for the 2d, 4th, and 5th Judicial Circuits.

The vote being taken for Auditor of Public Accounts, stood thus:

For James Shields—71.

For Levi Davis—53.

Those who voted for Mr. Shields, are,

Messrs. Allen, Evans, Feaman, Gaston, Hacker, Harris, Herndon, Houston, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Slocumb, Stadden, Warren, and Witt, of the Senate; and

Messrs. Able, Baldwin, Barnett, Bentley, Bissell, Blackman, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy, of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, Wilson, Wood, and Mr. Speaker, of the House of Representatives—71.

Those who voted for Mr. Davis, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Hamlin, Harrison, Henry, Little, Monroe, Ross, Sargent, and Stapp, of the Senate; and

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denney, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie,

Gridley, Hardin, Henderson, Hull, Lincoln, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, and Woodson, of the House of Representatives—53.

James Shields, having received a majority of all the votes given, was declared, by the Speaker of the House of Representatives, duly elected Auditor of Public Accounts for the State of Illinois.

The two Houses then proceeded to vote for Treasurer, and the vote being taken, stood thus:

For Milton Carpenter—71.

For Enoch Moore—51.

For John Moore—1.

Those who voted for Mr. Carpenter, are,

Messrs. Allen, Evans, Feaman, Gaston, Hacker, Harris, Herndon, Houston, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Slocumb, Stadden, Warren, and Witt, of the Senate; and

Messrs. Able, Baldwin, Barnett, Bentley, Bissell, Blackman, Busey, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turney, West, Wheeler, Wilson, Wood, and Mr. Speaker, of the House of Representatives—71.

Those who voted for Mr. E. Moore, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Hamlin, Harrison, Henry, Little, Monroe, Ross, and Sargent, of the Senate; and

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown, of Sangamon, Brown, of Vermillion, Canady, Charles, Cox, Cunningham, Danielle, Deny, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Hull, Lincoln, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, and Woodson, of the House of Representatives—51.

Mr. Stapp, of the Senate, voted for John Moore—1.

Milton Carpenter, having received a majority of all the votes given, was declared, by the Speaker of the House of Representatives, duly elected Treasurer of the State of Illinois.

The two Houses then proceeded to the election of Fund Commissioner, and the vote being taken, stood thus:

For John D. Whiteside—68.

Scattering—53.

Those who voted for Mr. Whiteside, are,

Messrs. Allen, Davidson, Evans, Feaman, Gaston, Hacker, Harris, Houston, James, Johnston, Markley, Moore, Nunnally, Pearson, Ralston, Richardson, Slocumb, Stadden, and Warren, of the Senate; and

Messrs. Able, Baldwin, Barnett, Bentley, Bissell, Blackman, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, English, Green, Hankins, Hicks, Humphrey, Kelley, Kitchell, Laughlin, Leary, Lester, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons

Peck, Prentice, Reynolds, Ross, Scott, Shepley, Trumbull, Turney, Waters, Wheeler, Wilson, Wood, and Mr. Speaker, of the House of Representatives—68.

Messrs. Baker, Churchill, and Monroe, of the Senate, and Messrs. Archer, Baily, Bradford, Brown, of Sangamon, Drummond, Francis, and McLean, of the House of Representatives, voted for Mr. Barrett—10.

Messrs. Cullom, Henry, and Stapp, of the Senate, and Mr. Beall, of the House of Representatives, voted for Mr. Williams—4.

Mr. Fithian, of the Senate, and Mr. Cunningham, of the House of Representatives, voted for Mr. Munsell—2.

Mr. Witt, of the Senate, and Messrs. Busey and Dunlap, of the House of Representatives, voted for A. W. Snyder—3.

Messrs. Hamlin and Harrison, of the Senate, voted for W. F. Thornton—2.

Mr. Little, of the Senate, voted for John Doe—1.

Mr. Ross, of the Senate, voted for Gov. Duncan—1.

Mr. Sargent, of the Senate, voted for M. Stacy—1.

Messrs. Hardin, Munsell, Phelps, and Woodson, of the House of Representatives, voted for Mr. Davis—4.

Messrs. Darnielle and Hull, of the House of Representatives, voted for Joseph Duncan—2.

Messrs. Edwards and Gillespie, of the House of Representatives, voted for Mr. Grigg—2.

Mr. Bennett, of the House of Representatives, voted for Mr. Grimsley—1.

Mr. Brown of Vermilion, of the House of Representatives, voted for Mr. Fithian—1.

Mr. Canady, of the House of Representatives, voted for Mr. Archer—1.

Mr. Charles, of the House of Representatives, voted for Wm. Ross—1.

Mr. Cox, of the House of Representatives, voted for Wm. Thomas—1.

Mr. Denny, of the House of Representatives, voted for Richard Roe—1.

Mr. Emmerson, of the House of Representatives, voted for Mr. Froman—1.

Mr. Froman, of the House of Representatives, voted for Mr. Canady—1.

Mr. Funk, of the House of Representatives, voted for Mr. Hardin—1.

Mr. Gridley, of the House of Representatives, voted for John Tillson, Jr.—1.

Mr. Henderson, of the House of Representatives, voted for Mr. Penn—1.

Mr. Lincoln, of the House of Representatives, voted for Nick Biddle—1.

Mr. Menard, of the House of Representatives, voted for Tom Carlin—1.

Mr. Minshall, of the House of Representatives, voted for Bob Glenn—1.

Mr. Parkinson, of the House of Representatives, voted for N. Cloud—1.

Mr. Phillips, of the House of Representatives, voted for Mr. Emmerson—1.

Mr. Thornton, of the House of Representatives, voted for Mr. Newhall—1.

Mr. Threlkeld, of the House of Representatives, voted for Daniel Webster—1.

Mr. Troy, of the House of Representatives, voted for Wm. Conn—1.

Mr. Webb, of the House of Representatives, voted for Mr. Gillespie—1.

Mr. West, of the House of Representatives, voted for Mr. Charles—1.

John D. Whiteside, having received a majority of all the votes given, was, by the Speaker of the House of Representatives, declared duly elected Fund Commissioner of the State of Illinois.

The two Houses then proceeded to the election of Public Printer, and the vote being taken, stood thus:

For William Walters—70.

For Simeon Francis—50.

For S. H. Davis—3.

Those who voted for Mr. Walters, are,

Messrs. Allen, Evans, Feaman, Gaston, Hacker, Harris, Herndon, Houston, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Slocumb, Stadden, Warren, and Witt, of the Senate; and

Messrs. Able, Baldwin, Barnett, Bentley, Bissell, Blackman, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kelly, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy, of Cook, Murphy, of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, Wilson, Wood, and Mr. Speaker, of the House of Representatives—70.

Those who voted for Mr. Francis, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Hamlin, Harrison, Henry, Little, Monroe, Ross, and Sargent, of the Senate; and

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown, of Sangamon, Brown, of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Hull, Lincoln, McLean, Minshall, Munsell, Parkinson, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, and Woodson, of the House of Representatives—50.

Those who voted for S. H. Davis, are,

Mr. Stapp, of the Senate, and

Messrs. Menard and Phelps, of the House of Representatives—3.

William Walters having received a majority of all the votes given, was declared by the Speaker of the House of Representatives, duly elected Public Printer of the State of Illinois.

The two Houses then proceeded to the election of a State's Attorney for the second Judicial Circuit, and the vote being taken, stood thus:

For W. H. Underwood—70.

For Wm. S. Lincoln—51.

Those who voted for Mr. Underwood, are,

Messrs. Allen, Evans, Feaman, Gaston, Hacker, Harris, Herndon, Houston, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Slocumb, Stadden, Warren and Witt, of the Senate; and

Messrs. Able, Baldwin, Barnett, Bentley, Bissell, Blackman, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck,

Prentice, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, Wilson, Wood, and Mr. Speaker, of the House of Representatives—70.

Those who voted for Mr. Lincoln, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Hamlin, Harrison, Henry, Little, Monro, Ross, Sargent, and Stapp, of the Senate; and

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Denny, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Hull, Lincoln, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, and Woodson, of the House of Representatives—51.

W. H. Underwood having received a majority of all the votes given, was declared by the Speaker of the House of Representatives, duly elected State's Attorney for the second Judicial Circuit of the State of Illinois.

The two Houses then proceeded to the election of State's Attorney for the fourth Judicial Circuit, and the vote being taken, stood thus:

For Aaron Shaw—71.

For Jacob Hardin—47.

Scattering—3.

Those who voted for Mr. Shaw, are,

Messrs. Allen, Evans, Feaman, Gaston, Hacker, Harris, Herndon, Houston, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Slocumb, Stadden, Warren, and Witt, of the Senate; and

Messrs. Able, Baldwin, Barnett, Bentley, Bissell, Blackman, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClermand, McClurken, McDonald, McGinnis, McLean, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, Wilson, Wood, and Mr. Speaker, of the House of Representatives—71.

Those who voted for Mr. Hardin, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Hamlin, Harrison, Henry, Little, Monroe, Ross, and Sargent, of the Senate; and

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Denny, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gridley, Hardin, Hull, Lincoln, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, and Woodson, of the House of Representatives—47.

Mr. Stapp, of the Senate, voted for Mr. Ficklin—1.

Messrs. Gillespie and Menard, of the House of Representatives, voted for Mr. Webb—2.

Aaron Shaw having received a majority of all the votes given, was declared by the Speaker of the House of Representatives duly elected State's Attorney for the fourth Judicial Circuit of the State of Illinois.

The two Houses then proceeded to the election of State's Attorney for the fifth Judicial Circuit, and the vote being taken, stood thus:

For William Elliott, jr.—70.

For William Perkins—47.

Scattering—1.

Those who voted for Mr. Elliott, are,

Messrs. Allen, Evans, Feaman, Gaston, Hacker, Harris, Herndon, Houston, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Slocumb, Stadden, Warren, and Witt, of the Senate; and

Messrs. Able, Baldwin, Barnett, Bentley, Bissell, Blackman, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, Wilson, Wood, and Mr. Speaker, of the House of Representatives—70.

Those who voted for Mr. Perkins, are,

Messrs. Baker, Churchill, Cullom, Fithian, Hamlin, Harrison, Henry, Little, and Sargent, of the Senate, and

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Denny, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Hull, Lincoln, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, and Woodson, of the House of Representatives—47.

Mr. Stapp, of the Senate, voted for Mr. Hutchinson—1.

William Elliott having received a majority of all the votes given, was declared by the Speaker of the House of Representatives, duly elected State's Attorney for the fifth Judicial Circuit of the State of Illinois;

The Senate then withdrew; when,

On motion of Mr. Webb,

The House adjourned.

## MONDAY, JANUARY 25, 1841.

House met pursuant to adjournment.

Mr. Crain, from the committee on Enrolled Bills, reported as correctly enrolled, bills of the following titles:

"An act to repeal an act incorporating the town of Juliet;"

"An act for a State road from Shawneetown to Vienna;"

"An act to incorporate the town of Macomb;"

"An act to incorporate the town of Galesburg, in Knox county."

Mr. Murphy of Cook, presented the petitions and remonstrance of sundry citizens of McHenry county, in relation to the division of said county; which, without reading, on his motion, were referred to the committee on Counties.

Mr. Charles presented the petition and remonstrance of sundry citizens of Hancock, Adams, McDonough, and Schuyler counties, relating to the division of said counties; which, without reading, on his motion, were referred to the committee on Counties.

Mr. Drummond presented the petition and remonstrance of citizens of Winnebago county, in relation to the boundaries of said county; which,



without reading, on his motion, was referred to the committee on Counties.

Mr. Leary, from the committee on Enrolled Bills, reported as correctly enrolled, bills of the following titles:

"An act in relation to a road therein named;"

"An act to vacate a part of the town plat of the town of Griggsville."

Mr. Brown of Vermilion, presented the petition of G. W. Cassady and others for relief; which, on his motion, was read, and referred to a select committee.

*Ordered*, That Messrs. Brown of Vermilion, Munsell, and Busey, be said committee.

Mr. Hankins presented the petition of Stephen Sweet, praying a certain conveyance therein named; which, without reading, was referred to the committee on the Judiciary.

Mr. Bennett presented the remonstrance of sundry citizens of Mason county, against changing the name of said county; which, without reading, was referred to the committee on Counties.

Mr. Dunlap presented the remonstrance of 350 citizens of Lawrence county, against a division of said county; which, without reading, on his motion, was referred to the same select committee as the petition on the same subject was heretofore referred.

Mr. Green presented the petition of sundry citizens of Jasper county; which, without reading, was on his motion, referred to the same select committee to which was referred petitions on the same subject; and on his further motion,

Mr. Wilson was added to the said committee.

Mr. Gridley presented the remonstrance of the citizens of McLean county, against a division of said county; which, without reading, was referred to the committee on Counties.

On motion of Mr. Trumbull,

The rules of the House were dispensed with, and

Senate resolution in relation to the disagreeing vote of both Houses on the apportionment of representation of the State of Illinois, was taken up for consideration.

Mr. Trumbull moved that the House recede from its amendments to said Senate resolution.

Mr. Murphy of Perry, demanded a call of the House; pending the call,

Mr. Murphy of Cook, offered for adoption the following resolution:

*Resolved*, That the President of the State Bank be requested to inform this House, whether the State Bank of Illinois did resume specie payments on the day named, in the order of the Board of Directors, for the resumption of specie payments, and whether said bank has continued paying specie for their notes since that time, and if not, whether she has suspended specie payments altogether, or in any particular instances, and if so, the cause or reason thereof; which was agreed to.

Mr. Murphy of Perry, from the committee on Education, to which was referred a petition in relation to a certain school section, reported a bill for "An act to sell the school section in township fourteen north, of range eight, east of the 4th principal meridian;" which was read a first time, and a second time by the title, and

*Ordered* to be engrossed.



Mr. English, from the select committee to which was referred the petition of Melissa Trask, reported the same back to the House, and was discharged from the further consideration of the same.

Mr. Peck, from the committee on Finance, to which was referred the Senate bill for "An act making an appropriation for work done upon the State House, and materials furnished," reported the same back with the following amendment:

Strike out of section 4, 10th line from top, the figures or numerals "66-100" and substitute in lieu thereof the words "and sixty-six cents."

Also, section 4, second line from bottom, strike out figures or numerals "1826," and substitute in lieu thereof the words "the year of our Lord one thousand eight hundred and twenty-six;" which amendments were agreed to.

Mr. Brown of Vermilion, moved that all that part of the bill in the fourth section which relates to recovering a sum of money due from the citizens of Springfield to the State of Illinois, be stricken out.

The Doorkeeper having reported under the call of the House, the further consideration of the bill was postponed, and the question recurring on

Mr. Trumbull's motion, on receding from their amendments to the Senate resolution, on apportionment of the representation,

It was decided in the negative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bailey, Baldwin, Beall, Bennett, Blackman, Brown of Vermilion, Canady, Cavarly, Charles, Cox, Cunningham, Darnielle, Denny, Edwards, English, Froman, Funk, Gillespie, Humphrey, Laughlin, Lincoln, McClurken, Moore, Reynolds, Ross, Shepley, Threlkeld, Troy, Trumbull, Turney, Wilson, and Woodson—32.

Those who voted in the negative, are,

Messrs. Able, Archer, Barnett, Bentley, Bissell, Bradford, Busey, Carpenter, Courtright, Crain, Dodge, Dollins, Dougherty, Drummond, Dunlap, Emmerson, Francis, Green, Gridley, Hankins, Hardin, Henderson, Hull, Kelly, Kitchell, Leary, Lester, Logan, McDonald, McGinnis, McLean, Marshall, Menard, Minshall, Munsell, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Phelps, Phillips, Prentice, Scott, Thornton, Waters, West, Webb, Wheeler, Wood, and Mr. Speaker—54.

Senate bill for "An act to provide for the safe keeping and disbursement of the public revenue," was taken up for consideration, when it was

*Ordered* to a third reading.

The bill for "An act to authorize the State to lease the mills at New Haven and Carmi, on the little Wabash river," as reported from the committee on Canals and Canal Lands, was taken up for consideration.

Mr. Turney moved to strike out all after the word "that" and insert "The Sheriff of White county is hereby authorized and required to take to himself sufficient aid, and abate as a public nuisance, the mill-dams heretofore purchased by the State across the little Wabash river, at Carmi, and at New Haven."

SEC. 2. The said Sheriff shall receive such compensation for said services as the county commissioners of the said county of White may deem reasonable and just, to be paid out of the county treasuries of Wayne and Clay counties, in equal proportions.

**SEC. 3.** That the Governor of this State is hereby authorized to lease to some competent person or persons, for a term of years, to be determined or agreed upon by the contracting parties, the water power on the little Wabash river, at Carmi, and at New Haven, with conditions that the lessee or lessees shall erect good and substantial stone dams, with good and permanent locks of sufficient dimensions, for the passage of all boats or other crafts descending or ascending said river, and that the lessee or lessees shall at all times during said lease, keep said locks in good repair, for the passage of all boats or other crafts, and shall open said locks for that purpose, when application shall be made, without charge, and he or they shall at no time during the occupancy of said water power obstruct the navigation of said river, under a penalty of the forfeiture of said lease.

**SEC. 4.** That the act, entitled "An act concerning the little Wabash river," approved February 3, 1840, be and the same is hereby repealed.

This act to be in force from and after its passage; and

On motion of Mr. Green,

Said bill and amendments were referred to a select committee.

*Ordered,* That Messrs. Green, Turney, Webb, Hankins, and Emmerson be said committee.

A bill for "An act to extend the limits of Bond county," was taken up for consideration.

On motion of Mr. Bentley,

The motion "to indefinitely postpone" said bill, was laid on the table, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Barnett, Bennett, Bentley, Blackman, Busey, Carpenter, Cavarly, Courtright, Crain, Dollins, Dunlap, English, Green, Hankins, Henderson, Hicks, Humphrey, Kelly, Lester, McDonald, Marshall, Moore, Munsell, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Phelps, Prentice, Scott, Shepley, Trumbull, Turney, West, Wheeler, Wilson, Wood, and Mr. Speaker—41.

Those who voted in the negative, are,

Messrs. Able, Archer, Bailey, Beall, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Darnielle, Denny, Dougherty, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Hardin, Kitchell, Lincoln, McClurken, McLean, Minshall, Phillips, Reynolds, Ross, Thornton, Threlkeld, Troy, Webb, and Woodson—33.

When the bill was passed.

*Ordered,* That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

The bill for "An act making an appropriation for work done on the State House, and materials furnished," informally laid aside, again coming up for consideration.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives, that they have indefinitely postponed a bill for "An act to amend the law in relation to chancery practice;" when,

The House adjourned.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Dodge demanded a call of the House, and pending the call,

Mr. Bennett, on leave, from the select committee to which was referred a certain petition, reported a bill for "An act to divide certain monies therein named, between the counties of Cass, Menard, and Sangamon;" which was read the first time, and the second time by its title, and

On motion of Mr. Ross,

Referred to a select committee of five.

*Ordered*, That Messrs. Ross, West, Bennett, Brown of Sangamon, and Cox be said committee.

Mr. Wheeler, from the select committee to which was referred a Senate bill for "An act to authorize county commissioners of Pike county to execute a certain conveyance," reported the same back to the House with amendments; which were read, and concurred in, and the bill

*Ordered* to a third reading.

Mr. Phelps, on leave, introduced a bill for "An act to incorporate the Peoria Marine and Fire Insurance Company;" which was read the first and second times by its title, and

On motion of Mr. Phelps,

Referred to the committee on Banks and Corporations.

Mr. Drummond, on leave, introduced a bill for "An act to incorporate the town of Rock Island, in Rock Island county;" which was read the first and second times by its title, and

Referred to the committee on Banks and other Corporations.

Mr. Waters, from the select committee to which was referred a certain petition, reported a bill for "An act for the relief of the collector of Pope county;" which was read the first time, and the second time by its title, and

*Ordered* to be engrossed; when,

On motion of Mr. Hardin,

Further proceedings under the call of the House were dispensed with, and

On motion of Mr. Trumbull,

The House again resolved itself into committee of the Whole,

Mr. English in the Chair, on the bill for "An act to reorganize the Judiciary of the State of Illinois."

And after some time spent therein, the committee rose, reported progress, and obtained leave to sit again.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives, that they have adopted the following resolution, to wit:

*"Resolved by the Senate, the House of Representatives concurring herein,* That no new business shall be introduced at the present session of this General Assembly, after the first day of February next; and that this General Assembly will adjourn *sine dine*, on the 15th day of February next ensuing."

In the passage of which they ask the concurrence of the House of Representatives; when,

The House adjourned.

## TUESDAY, JANUARY 26, 1841.

House met pursuant to adjournment.

Mr. Crain, from the committee on Engrossed Bills, reported as correctly engrossed, bills of the following titles, to wit:

"An act concerning the taxes of Greene and Jersey counties;"

"An act to incorporate the town of Marion;"

"An act to create the county of Grundy from the county of La Salle;"

"An act to amend the several acts in relation to constables;"

"An act concerning the revenue of Bond county."

On motion of Mr. Ormsbee,

The petitions of citizens of Morgan, Scott, and Greene counties, presented to the Legislature at the session of 1838-9, and not acted on, and now on file in the office of the Secretary of State, were taken from said file, and referred to the committee on Counties.

Mr. Murphy of Cook presented the petition of Schuyler Strong, and others for the incorporation of the Springfield Insurance Company; which, without reading, on his motion, was referred to the committee on Banks and other Corporations.

Mr. Bradford presented the remonstrance of citizens of Sangamon county against a division of said county; which, without reading on his motion, was referred to the committee on Counties.

Mr. Denny presented the petition of citizens of Cherry Grove precinct, in Knox county, for an additional Justice of the Peace; which, without reading, on his motion, was referred to the same select committee as the other petitions relating to the same subject.

Mr. Lester presented the petition of citizens of Brown and Schuyler counties, praying for a State road from Beardstown to Mount Sterling; which, without reading, on his motion, was referred to the committee on State Roads.

Mr. Leary presented the petition of the County Commissioners' Court of the county of Cook for power to borrow money; which, without reading, on his motion, was referred to a select committee.

*Ordered*, That Messrs. Leary, Courtright, and Crain be said committee.

Mr. Peck presented the petition of Messrs. Lyon and Howard, contractors, for the improvement of the Illinois river; which, without reading,

On motion of Mr. Peck,

Was referred to the same select committee to which was referred the petition of Cassady and others.

Mr. Brown of Sangamon presented the petition and remonstrance of 100 citizens of Sangamon county in relation to the division of said county; which, without reading, on his motion, was referred to the committee on Counties.

Mr. Murphy of Cook moved that the House now take up for consideration a report made by him some days since, from the committee on Banks and other Corporations; which was not agreed to.

The Senate bill for "An act making an appropriation for work done up on the State House and materials furnished," coming up for consideration,

and the question recurring on the motion of Mr. Brown of Vermilion to amend the bill,

On motion of Mr. Dollins,

The proposed amendment was laid on the table, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Bennett, Bentley, Blackman, Busey, Canady, Carpenter, Cavarly, Courtright, Cox, Crain, Cunningham, Dollins, Drummond, Dunlap, Edwards, Emmerson, Froman, Funk, Green, Hankins, Hicks, Humphrey, Kitchell, Laughlin, Lester, Logan, McClurken, McDonald, McGinnis, Marshall, Moore, Munsell, Murphy of Perry, Olds, Oliver, Ormsbee, Parkinson, Phillips, Prentice, Ross, Scott, Shepley, Threlkeld, Troy, Trumbull, Turney, Wheeler, Wilson, and Mr. Speaker—80.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Barnett, Beall, Bradford, Brown of Sangamon, Brown of Vermilion, Charles, Darnielle, Denny, Dougherty, English, Francis, Gillespie, Gridley, Hardin, Henderson, Leary, Lincoln, McClermand, McLean, Menard, Minshall, Murphy of Cook, Odam, Peck, Reynolds, Thornton, Webb, West, White, Woodson, and Wood—33.

Mr. Cavarly moved to refer the bill to a select committee of five; which was not agreed to.

When Mr. McClermand moved to amend the bill by striking out so much thereof as relates to the liability of the citizens of Springfield, and inserting as follows:

"That the citizens of Springfield be and they are hereby released from all liability arising out of any law or laws locating the seat of Government at Springfield, or any laws relating thereto, or any contracts growing out of such laws, between the State and said citizens;" which,

On motion of Mr. Olds,

Was laid on the table, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Archer, Bailey, Baldwin, Barnett, Bennett, Bentley, Bissell, Blackman, Busey, Canady, Carpenter, Cavarly, Charles, Courtright, Cox, Crain, Cunningham, Denny, Dollins, Dougherty, Drummond, Dunlap, Edwards, Emmerson, Froman, Gillespie, Green, Gridley, Hankins, Hull, Humphrey, Kitchell, Laughlin, Leary, Lester, Logan, McClurken, McDonald, McGinnis, Marshall, Minshall, Moore, Munsell, Murphy of Cook, Murphy of Perry, Olds, Oliver, Ormsbee, Parkinson, Parsons, Phelps, Phillips, Prentice, Reynolds, Ross, Scott, Shepley, Threlkeld, Troy, Trumbull, Turney, Waters, West, Wheeler, Wilson, Woodson, and Mr. Speaker—69.

Those who voted in the negative, are,

Messrs. Beall, Bradford, Brown of Sangamon, Darnielle, English, Francis, Hardin, Henderson, Lincoln, McClermand, McLean, Menard, Peck, Thornton, Webb, and White—15.

Mr. Turney demanded the previous question; which was not sustained, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Baldwin, Barnett, Bentley, Bissell, Blackman, Busey, Carpenter, Cavarly, Courtright, Crain, Dollins, Dougherty, English, Froman, Green, Hankins, Humphrey, Kitchell, Laughlin, Lester, Logan, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Perry, Pren-

tice, Ross, Scott, Shepley, Turney, Wheeler, Wilson, and Mr. Speaker—37.

Those who voted in the negative, are,

Messrs. Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Drummond, Edwards, Emmerson, Francis, Funk, Gillespie, Gridley, Hardin, Henderson, Hull, Leary, Lincoln, McClernand, McLean, Menard, Minshall, Munsell, Murphy of Cook, Odam, Oliver, Ormsbee, Parkinson, Parsons, Peck, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Trumbull, Waters, Webb, and West—46.

Mr. Brown of Vermilion moved to amend the fourth section of the bill by striking out all that relates to the immediate collection of money due from the citizens of Springfield, on account of the State House, and inserting as follows:

“And that the citizens of Springfield are hereby permitted to execute a new bond for the residue remaining unpaid on the bond to the Treasurer of State, payable in three equal annual instalments; and the Attorney General shall institute suit for each instalment as the same becomes due, if not paid.”

Mr. Olds moved to lay said proposed amendment on the table; which was not agreed to.

Mr. Turney moved to amend the proposed amendment by adding the following proviso:

“*Provided*, The people of Wayne county be allowed to pay their State revenue in the same proportion that is allowed the people of Springfield, in the payment of their State House obligation of \$16,666 66; which,

On motion of Mr. Dougherty,

Was laid on the table.

Mr. Ross moved to amend the proposed amendment offered by Mr. Brown of Vermilion, by adding the following proviso:

“*Provided*, That no further appropriations be made for the construction of the State House until the balance due from the citizens of Springfield to the State of Illinois be paid and fully discharged;” which proposed amendment was laid on the table,

On motion of Mr. Webb.

Mr. Ross moved to amend the amendment by inserting after the word “instalments” the words “bearing interest at the rate of twelve per cent. per annum;” which motion,

On motion of Mr. Archer,

Was laid on the table, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Carpenter, Cox, Cunningham, Darnielle, Denny, Dougherty, Edwards, Emmerson, English, Francis, Funk, Gillespie, Gridley, Hardin, Henderson, Hull, Leary, Lincoln, McClernand, McLean, Menard, Minshall, Munsell, Murphy of Cook, Odam, Parkinson, Peck, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, and Woodson—44.

Those who voted in the negative, are,

Messrs. Able, Baldwin, Barnett, Bentley, Bissell, Blackman, Busey, Cavarly, Courtright, Crain, Dollins, Froman, Green, Hankins, Humphrey, Kitchell, Laughlin, Lester, Logan, McClurken, McDonald, McGinnis,

Marshall, Moore, Murphy of Perry, Olds, Oliver, Ormsbee, Parsons, Prentice, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, and Mr. Speaker—39.

Mr. Bentley moved to lay the bill and proposed amendment on the table; which was not agreed to;

And on agreeing to the amendment proposed by Mr. Brown of Vermilion, It was rejected by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Archer, Bailey, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Darnielle, Dougherty, Edwards, English, Francis, Funk, Gillespie, Gridley, Hardin, Henderson, Hull, Leary, Lincoln, Logan, McClermand, McLean, Menard, Minshall, Munsell, Murphy of Cook, Parkinson, Peck, Phelps, Phillips, Reynolds, Thornton, Troy, Waters, West, White, and Woodson—40.

Those who voted in the negative, are,

Messrs. Baldwin, Bentley, Bissell, Blackman, Busey, Canady, Carpenter, Cavarly, Courtright, Cox, Crain, Cunningham, Dollins, Drummond, Emmerson, Froman, Green, Gridley, Humphrey, Kitchell, Laughlin, Lester, McClurken, McGinnis, McDonald, Marshall, Moore, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Prentice, Ross, Scott, Shepley, Threlkeld, Trumbull, Turney, Wheeler, Wilson, Wood, and Mr. Speaker—43.

Mr. Turney demanded the previous question; which was not sustained.

Mr. Ormsbee moved to amend the first section by adding the following:

"Which appropriation shall be applied to the payment of debts due for work done upon the State House, and for furniture and materials furnished by different persons for the State, without the authority of law."

On motion of Mr. Cavarly,

The amendment was amended by striking out the words "without the authority of law," when the amendment, as amended, was agreed to.

Mr. Lincoln moved to amend the fourth line of the first section of the bill by striking out "twenty" and inserting "thirty."

Mr. Ormsbee demanded the previous question; which was sustained,

And the question being on agreeing to the amendment proposed by Mr. Lincoln,

It was decided in the affirmative, and the bill, as amended, was

*Ordered* to a third reading.

Mr. Murphy of Cook, from the committee on Banks and other Corporations, to which was referred the bill for "An act to authorize the construction of a railroad from La Salle, in La Salle county, to Dixon, in Lee county, and for chartering a company with authority to construct said road, to be called the Illinois and Rock river Railroad Company," reported the same back to the House; which,

On motion of Mr. Drummond,

Was laid on the table.

Mr. Hardin, from the Judiciary committee, introduced for adoption the following resolution:

*"Resolved by the House of Representatives, the Senate concurring herein,* That this General Assembly will adjourn *sine die*, on the 22d day of February, 1841, and that the hour of adjournment shall be 9 o'clock, A. M."

Mr. Trumbull moved to lay said resolution on the table; which was not agreed to, by yeas and nays, as follows:



Those who voted in the affirmative, are,

Messrs. Baldwin, Bentley, Bissell, Cavarly, Courtright, English, Gillespie, Green, Hankins, Humphrey, Laughlin, Leary, Lester, Logan, McClernand, McDonald, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Ross, Shepley, Trumbull, Waters, Wheeler, Wood, and Mr. Speaker—33.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Carpenter, Cox, Crain, Cunningham, Darnielle, Denny, Dollins, Dougherty, Drummond, Dunlap, Edwards, Emmerson, Francis, Froman, Funk, Gridley, Hardin, Henderson, Hull, Kitchell, Lincoln, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Prentice, Reynolds, Scott, Thornton, Threlkeld, Troy, Turney, Webb, West, Wilson, and Woodson—49.

Mr. Olds moved to amend the resolution by adding the following proviso:

“*Provided*, The necessary public business shall have been received, acted upon, and settled.”

Mr. Wheeler offered for adoption the following amendment:

“That this General Assembly believe that the ostensible purpose for which the Legislature is now in session is to do the business of the people, and until the last hour of this session that we have no constitutional right to say that we will receive no business, believing that it would be a breach of the public faith; therefore,

“*Resolved*, That we proceed with the business, and so soon as the important business is dispensed with, we adjourn *sine die*, and forthwith repair to our constituents, and then and there answer to them for the manner we have represented them.”

On motion,

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Crain, from the committee on Enrolled Bills, reported as laid before the Council of Revision, on the 25th instant, bills of the following titles:

A bill for “An act to incorporate the town of Macomb;”

A bill for “An act to incorporate the town of Galesburg, in the county of Knox;”

A bill for “An act to repeal an act incorporating the town of Juliet;”

“An act for a State road from Shawneetown to Vienna.”

Mr. Brown of Vermilion demanded a call of the House.

Proceedings under the call having continued for some time,

On motion of Mr. Brown of Vermilion,

Further proceedings under the call were dispensed with.

On motion of Mr. English,

The House again resolved itself into committee of the Whole, on “An act reorganizing the Judiciary of the State of Illinois,” Mr. English in the



Chair, and after some time spent therein, the committee rose, reported progress, and obtained leave to sit again.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have adopted the following order, viz:

*Ordered,* That a committee of conference be appointed on the disagreeing vote of the two Houses, upon the joint resolution, fixing the ratio of representation.

In the passage of which they ask the concurrence of the House of Representatives, and they have appointed Messrs. Ross, Hacker, and Moore, the committee on the part of the Senate.

They have concurred with the committee of conference in their amendments to a joint resolution having for its object the revival of all laws of a general nature, of this State. The resolution as amended, reads as follows:

*Resolved,* That the Attorney General and Secretary of State be required to make a digest of all the laws of this State, of a general nature, which may be in force at the close of the present session of this General Assembly; said digest to be accompanied by a full and correct index thereto, and that they present the same at the commencement of the next session of the General Assembly, for their approval or rejection.

In which amendments they ask the concurrence of the House of Representatives; when,

On motion,

The House adjourned.

### WEDNESDAY, JANUARY 27, 1841.

House met pursuant to adjournment.

Mr. Crain, from the committee on Engrossed Bills, reported as correctly engrossed, bills of the following titles:

"An act to authorize James M. Strode to build a dam across Fox river;"

"An act to sell the school section in township fourteen north, of range eight east of the fourth principal meridian;"

"An act for the relief of the collector of Pope county;"

"An act to re-locate the county seat of Lake county."

On motion of Mr. Cavarly,

The Senate message for the appointment of a committee of conference on the disagreeing vote of the two Houses upon the joint resolution, fixing the ratio of representation, was taken up for consideration, read and concurred in.

*Ordered,* That Messrs. Cavarly, Murphy of Perry, Webb, Gridley and Lester be the committee on the part of the House, and that the Clerk inform the Senate thereof.

On motion of Mr. Lincoln,

The Senate bill for "An act making an appropriation for work done on the State House, and for materials furnished," was taken up for consideration, read the third time, and passed as amended.

*Ordered,* That the title be as amended, and that the Clerk inform the Senate thereof, and ask their concurrence in the amendments thereto.

Mr. Brown of Sangamon, presented the petition of citizens of Sangamon county, in relation to a division of said county; which, without reading, on his motion, was referred to the committee on Counties.

Mr. Drummond presented the remonstrance of citizens of Winnebago county, against a change in the boundaries of said county; which, without reading, on his motion, was referred to the committee on Counties.

Mr. Webb presented the petition of citizens of White and Wayne counties, to extend to Charles J. Weed further time for completing mills; which, without reading, on his motion, was referred to the committee on the Judiciary.

A message from the Council of Revision, by Mr. Purinton, Secretary to the Council:

*Mr. Speaker:* I am directed by the Council of Revision to inform the House of Representatives, that on Tuesday, the 26th inst., they approved of bills of the following titles, to wit:

"An act to provide for reviewing certain State roads;"

"An act to change the name of a person therein named;"

"An act to legalize the acts of the commissioners of Jasper county;"

"An act for the location of a State road in the counties of Hamilton, Franklin, and Perry;"

"An act to vacate a part of the town plat of Bennett's addition to the town of Petersburg, and for other purposes;"

"An act to authorize the commissioners of Christian county to borrow money."

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have passed bills of the following titles, viz:

"An act to establish a State road from York, in Clark county, to Watertown, in Clay county;"

"An act regulating evidence in certain cases;"

"An act in relation to the public square in the original town of Ottawa."

In the passage of which, they ask the concurrence of the House of Representatives.

They have concurred with the House of Representatives in the passage of bills of the following titles:

"An act concerning the town of Belvidere;"

"An act to prevent the unlawful driving away of cattle and other stock, by drovers and others," as amended by them.

In which amendments, they ask the concurrence of the House of Representatives.

They have concurred with the House of Representatives in the passage of bills of the following titles:

"An act to authorize the Sheriff of Gallatin county to make a deed to Daniel Wood for a tract of land therein named;" and

"An act to incorporate the Pisgah Academy."

Mr. Leary presented the petition of citizens of Cook county, to authorize William Sherman to build a toll bridge across the Calumet river; which, without reading, on his motion, was referred to a select committee.

*Ordered,* That Messrs. Leary, Murphy of Cook, and McLean be said committee.

Mr. Thornton presented the petition of citizens of Millersburg, for the change of the name of said town; which, without reading, on his motion, was referred to a select committee.

*Ordered*, That Messrs. Thornton, Laughlin, and Canady be said committee.

Mr. Dodge presented the petition of Hester Ann Dawson for a divorce; which, without reading, on his motion, was referred to the committee on the Judiciary.

Also, the petition of citizens of Kane and Du Page counties for a State road; which, without reading, on his motion, was referred to the committee on State Roads.

Also, the petition of citizens of La Salle county, for a division of said county; which, without reading, on his motion, was referred to the committee on Counties.

Mr. McClernand, on leave, introduced a bill for "An act to create a Commissioner of Public Works, and to provide for the preservation and disposition of the property belonging thereto, and for other purposes;" which was read the first time, and the second time by its title, and

On motion of Mr. McClernand,

Referred to the committee on Internal Improvements.

Mr. Leary, from the committee on Enrolled Bills, reported that the committee had this day laid before the Council of Revision, bills of the following titles:

"An act to vacate a part of the town plat of the town of Griggsville;"

"An act in relation to a road therein named."

The resolution under consideration when the House adjourned yesterday morning, for the adjournment of the Legislature *sine die* on the day of \_\_\_\_\_ coming up for consideration,

The amendment offered by Mr. Olds thereto, was rejected by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Bentley, Bissell, Cavarly, Courtright, Crain, Dodge, English, Green, Hankins, Hicks, Humphrey, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Scott, Shepley, Trumbull, Turney, Waters, Wheeler, White, Wood, and Mr. Speaker—39.

Those who voted in the negative, are,

Messrs. Able, Archer, Bailey, Barnett, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Carpenter, Charles, Cox, Cunningham, Darnielle, Denny, Dollins, Dougherty, Drummond, Dunlap, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Hull, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Webb, West, Wilson, and Woodson—46.

And the question being on agreeing to the amendment proposed by Mr. Wheeler,

The preamble to the resolution was withdrawn by the mover, and

Mr. McClernand moved to amend the amendment by striking out the words "forthwith repair to our constituents, and then and there answer to them for the manner we have represented them;" when,

On motion of Mr. Henderson,

The amendment proposed by Mr. Wheeler was laid on the table.

Mr. Wheeler moved to amend the resolution by striking out all after the word "resolved" and inserting the following:

"That after the 28th of this month, we hold night sessions, to wit:

On Mondays at 7 o'clock, and Wednesdays we meet at the hours of 7 in the afternoon: which,

On motion of Mr. Hardin,

was laid on the table.

Mr. Bissell moved to lay the resolution on the table; which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Barnett, Bentley, Bissell, Busey, Cavarly, Courtright, Crain, Dodge, English, Green, Hankins, Hicks, Hull, Humphrey, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Prentice, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wood, and Mr. Speaker.—42.

Those who voted in the negative, are,

Messrs. Able, Archer, Bailey, Beall, Bennett, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Carpenter, Charles, Cox, Cunningham, Darnielle, Denny, Dollins, Dougherty, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Lincoln, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, Wilson, and Woodson.—45.

Mr. Carpenter moved to amend the resolution by striking out the 22d February, and inserting the "first of March next;" and after discussion thereon,

Mr. Carpenter moved the previous question.

Mr. Murphy of Cook, moved that the House adjourn;

Which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Hull, Lincoln, McLean, Menard, Minshall, Munsell, Murphy of Cook, Parkinson, Phelps, Phillips, Reynolds, Threlkeld, Troy, Waters, Webb, West, and Woodson.—43.

Those who voted in the negative, are,

Messrs. Baldwin, Barnett, Bentley, Bissell, Blackman, Cavarly, Courtright, Crain, Dodge, Dollins, Dunlap, English, Green, Hankins, Hicks, Humphrey, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, Marshall, Moore, Murphy of Perry, Odam, Olds, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Shepley, Thornton, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker.—43.

Mr. Trumbull demanded a call of the House, and the roll having been called over,

Mr. Murphy of Cook, moved to dispense with further proceedings under the call of the House;

Which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Barnett, Bennett, Bentley, Bissell, Blackman, Cavarly, Courtright, Crain, Dodge, Dollins, Dunlap, English, Hankins, Hicks, Humphrey, Laughlin, Lester, Logan, McClernand, McClurken, McDonald, Murphy of Cook, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Prentice, Scott, Shepley, Trumbull, Turney, Waters, Wheeler, White, Wilson, Wood, and Mr. Speaker—40.

Those who voted in the negative, are,

Messrs. Able, Archer, Bailey, Beall, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Carpenter, Charles, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Green, Gridley, Hardin, Henderson, Hull, Leary Lincoln, McLean, Marshall, Menard, Minshall, Moore, Munsell, Murphy of Perry, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Webb, West, and Woodson—47.

When,

On motion of Mr. Murphy of Cook,

Further proceedings under the call of the House were dispensed with.

Mr. Lincoln, on leave, introduced a bill for "An act authorizing certain debtors of the State to discharge their indebtedness in Illinois internal improvement scrip;" when,

On motion,

The House adjourned until 2 o'clock.

#### TWO O'CLOCK, P. M.

House met pursuant to adjournment.

House bill for "An act in relation to paupers," was read the first time, and the second time by its title, and

*Ordered* to be engrossed.

House bill for "An act authorizing certain debtors of the State to discharge their indebtedness in Illinois internal improvement scrip," was read the first time, and the second time by its title, and

On motion of Mr. Turney,

Referred to the committee on Finance.

Mr. McClernand, on leave, introduced a bill for "An act authorizing the mutual conveyance of certain lots by and between the Auditor of Public Accounts and J. Whitney;" which was read the first time, and the second time by its title, and

On motion of Mr. McClernand,

Referred to the committee on Internal Improvements; when,

On motion of Mr. Hardin,

The House now resolved itself again into committee of the Whole, on the bill for "An act reorganizing the Judiciary of the State of Illinois."

Mr. English in the Chair; and after some time spent therein, the committee rose, reported progress, and obtained leave to sit again.

A message from the Council of Revision, by Mr. Purrinton, Clerk of the Council:

*Mr. Speaker:* I am directed by the Council of Revision to inform the House of Representatives, that they have this day approved bills of the following titles:

"An act to repeal an act incorporating the town of Juliet;"

"An act for a State road from Shawneetown to Vienna;"

"An act to incorporate the town of Macomb;"

"An act to incorporate the town of Galesburg, in Knox county;"

"An act to vacate a part of the town plat of the town of Griggsville;"

"An act in relation to a road therein named;"

"An act for the formation of the county of Piatt."

Also, on Wednesday, the 20th inst.

"An act for the formation of the county of Mason;" when,

On motion,

The House adjourned.

## THURSDAY, JANUARY 28, 1841.

House met pursuant to adjournment.

Mr. Parsons, from a select committee to which had been, by mistake, referred a certain petition, reported the same back to the House, and was discharged from the further consideration of the same; and

On motion of Mr. Denny,

The petition was referred to a select committee, composed of Messrs. Denny, Francis, and Henderson.

Mr. Barnett presented the petition of citizens of Shelby county, in relation to a division of said county; which, without reading, on his motion, was referred to the committee on Counties.

Mr. Hankins presented the petition of citizens of Fayette county, in relation to the passage of a law for the sale of property taken by execution; which, without reading, on his motion, was referred to a select committee.

*Ordered,* That Messrs. Hankins, Dollins, and Kitchell, be said committee.

Mr. White presented the petition of citizens of Macon, Christian, and Sangamon counties for a State road; which, without reading, on his motion, was referred to the committee on State Roads.

On motion of Mr. Logan,

The bill for "An act in relation to the payment of Auditor's warrants," was taken up for consideration, read the third time, and

Mr. Phelps moved to amend the bill by adding the following as additional sections:

"SEC. 4. *Be it further enacted,* That it shall be the duty of the Auditor of State, forthwith after the passage of this act, to notify the collectors of the several counties of this State, of the amount of interest due the school fund, and which, by existing laws, is to be distributed for school purposes in said counties for the current year; and the collectors aforesaid shall immediately pay over to the school commissioner of the proper county the sum due on account of interest of the school fund, or so much thereof as he may have in his hands belonging to the State, and shall from time to time continue to pay over as fast as it comes into his hands, until the whole

is paid, any law or usage to the contrary notwithstanding; and if such collector shall refuse or neglect to comply with the requisitions of this section, he shall forfeit and pay the sum of five hundred dollars, to be recovered before any court having competent jurisdiction thereof; which sum shall be recovered at the suit, and in the name of the school commissioner, and by him applied for school purposes in said county. And it is made the especial duty of school commissioners to enforce the provisions of this section."

SEC. 5. *Be it further enacted*, That it shall be the duty of the Auditor of State, on the first Monday in January, in each succeeding year, to make out and forward to the collectors in the different counties of the State, a statement of interest due on school fund, as provided in the previous section; and the several collectors shall proceed to pay over, as is provided in said section, or, on neglect or refusal, to incur all the liabilities therein set forth, and recoverable by the provisions of said section.

*Provided*, That the school commissioners' receipt on the back of the State Auditor's notice to county collectors, shall be deemed a sufficient voucher for said collector, to present to such auditor on any settlement with him in regard to State revenue.

*And provided also*, That the claims arising under the two previous sections shall have precedence of all Auditor's warrants, whether presented or not to said collector.

Mr. Trumbull moved to lay the amendment on the table.

Mr. Logan demanded the previous question; which was sustained.

And the question being put on laying the proposed amendment on the table,

It was decided in the negative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Baldwin, Bennett, Bentley, Bissell, Blackman, Carpenter, Courtright, Dodge, Dollins, Dougherty, English, Green, Hankins, Humphrey, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turney, White, Wood, and Mr. Speaker—41.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Cavarly, Charles, Cox, Crain, Cunningham, Darnielle, Denny, Drummond, Dunlap, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Hicks, Hull, Kelly, Kitchell, Laughlin, Lincoln, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, Wheeler, Wilson, and Woodson—50.

When the proposed amendment was agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Ver. Busey, Canady, Cavarly, Charles, Cox, Crain, Cunningham, Darnielle, Denny, Dougherty, Drummond, Dunlap, Edwards, Emmerson, English, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Hicks, Hull, Kelly, Kitchell, Laughlin, Lester, Lincoln, McLean, Menard, Minshall, Munsell, Oliver, Parkinson, Parsons, Phelps, Phillips, Reynolds,

Thornton, Threlkeld, Troy, Turney, Waters, Webb, West, Wheeler, Wilson, and Woodson—56.

Those who voted in the negative, are,

Messrs. Able, Baldwin, Barnett, Bentley, Bissell, Blackman, Carpenter, Courtright, Dodge, Dollins, Green, Hankins, Humphrey, Leary, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Ormsbee, Peck, Prentice, Ross, Scott, Shepley, White, Wood, and Mr. Speaker—34.

And the question being put on the passage of the bill,

It was decided in the negative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Archer, Baldwin, Beall, Bennett, Bentley, Busey, Canady, Carpenter, Cavarly, Crain, Dollins, Emmerson, English, Francis, Froman, Funk, Gridley, Hicks, Hull, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, McDonald, McLean, Moore, Munsell, Murphy of Cook, Murphy of Perry, Odam, Olds, Ormsbee, Parsons, Peck, Prentice, Reynolds, Ross, Shepley, Turney, and Wilson—43.

Those who voted in the negative, are,

Messrs. Bailey, Barnett, Bissell, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Charles, Courtright, Cox, Cunningham, Darnielle, Denny, Dodge, Dougherty, Drummond, Dunlap, Edwards, Gillespie, Green, Hankins, Hardin, Henderson, Lincoln, Logan, McClernand, McClurken, McGinnis, Marshall, Menard, Minshall, Oliver, Parkinson, Phelps, Phillips, Scott, Thornton, Threlkeld, Troy, Trumbull, Waters, Webb, West, Wheeler, White, Woodson, Wood, and Mr. Speaker—48.

The resolution reported some days since by

Mr. Hardin, from the committee on the Judiciary, fixing a day for the adjournment of the Legislature, *sine die*, coming up for consideration,

And the question being—"Shall the main question be now put?"

Which had been moved on the preceding day,

It was decided in the affirmative.

The question then arising on the motion made by Mr. Carpenter to strike out "twenty-second day of February," and insert the "first of March,"

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Baldwin, Barnett, Bentley, Bissell, Blackman, Bradford, Carpenter, Cavarly, Courtright, Dodge, Dollins, Dougherty, Dunlap, English, Gillespie, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Menard, Minshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Ross, Scott, Shepley, Trumbull, Turney, West, Wheeler, White, Wilson, and Mr. Speaker—52.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Charles, Cox, Crain, Cunningham, Darnielle, Denny, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gridley, Hardin, Henderson, Hull, Lincoln, McLean, Munsell, Parkinson, Phelps, Phillips, Prentice, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, Woodson, and Wood—39.



When the resolution, as amended, was agreed to.

*Ordered*, That the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Murphy of Cook, from the committee on Banks and other Corporations, to which was referred the Senate bill for "An act to amend an act, entitled 'An act to incorporate the Jo Daviess Marine and Fire Insurance Company,'" reported the same back to the House with an amendment; which was read, and concurred in, and the bill, as amended, was

*Ordered* to a third reading.

Mr. Murphy of Cook, from the same committee to which had been referred the bill for "An act to incorporate the Cairo City Mills," reported the same back to the House with an amendment; which was read, and before the vote was taken on agreeing to the report of the committee,

The House adjourned until 2 o'clock, P. M.

#### TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Archer, from the select committee to which was referred the bill for "An act to create a permanent Board of Auditors," reported the same back to the House with amendments, which were read and concurred in, and the bill

*Ordered* to be re-engrossed.

Mr. Drummond, on leave, from the select committee to which was referred a certain petition, reported a bill for "An act changing the name of the town of Chatham, in Whiteside county;" which was read the first time, and the second time by its title, and

*Ordered* to be engrossed.

Mr. West, on leave, introduced a bill for "An act concerning Cass county;" which was read the first and second times by its title, and

On motion of Mr. West,

Referred to a select committee of five.

*Ordered*. That Messrs. West, Hardin, Murphy of Perry, and Barnett be said committee.

A message from the Senate, by Mr. Moore, a Senator:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives, that they have passed a bill of the following title:

"An act making provisions for organizing and maintaining common schools."

In the passage of which they ask the concurrence of the House of Representatives.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that they have adopted the following resolution:

*Resolved by the Senate, the House of Representatives concurring herein*, That the two Houses will meet in the Hall of the House of Representatives at 2 o'clock, P. M., on Monday, the first day of February, for the purpose of going into the election of circuit attorneys for the 1st, 6th, 7th,

and 9th judicial district; also, a Treasurer and Acting Commissioner, and President of the Canal Board of the Illinois and Michigan Canal.

In the adoption of which, they ask the concurrence of the House of Representatives; when,

On motion of Mr. Cavarly,

The House again resolved itself into committee of the Whole House, Mr. English in the Chair, on the bill for "An act reorganizing the Judiciary of the State of Illinois."

And after some time spent therein, the committee rose, reported progress, and obtained leave to sit again; when,

On motion,

The House adjourned.

### FRIDAY, JANUARY 29, 1841.

House met pursuant to adjournment.

Mr. Crain, from the committee on Enrolled Bills, reported as correctly enrolled, bills of the following titles:

"An act to incorporate the Pisgah Academy;"

"An act authorizing the Sheriff of Gallatin county to make a deed to Daniel Wood, for a tract of land therein named;"

"An act concerning the town of Belvidere."

On motion of Mr. Murphy of Perry,

The Senate bill for "An act making provision for organizing and maintaining common schools," was taken up for consideration, read the first and second times by its title, and referred to the committee on Education.

Mr. Parsons presented the petition of citizens of Illinois, in relation to a State road; which, without reading, on his motion, was referred to the committee on State Roads.

Mr. Drummond presented the petition of citizens of Winnebago county, in relation to the improvement of the Rapids of Rock river; which was read, and on his motion, referred to a select committee.

*Ordered*, That Messrs. Drummond, Thornton, and Threlkeld be said committee.

The Speaker laid before the House a communication from R. F. Barrett, Fund Commissioner, in relation to internal improvement interest, &c. which was read, and,

On motion of Mr. Ormsbee,

So much of said communication as relates to contracts, was referred to the committee on the Judiciary, with the following instructions:

"To enquire into the nature of the contract or contracts of hypothecation of bonds by Mr. Barrett, as Fund Commissioner, with a view of ascertaining whether said contract or contracts have been made strictly in accordance with law, and that they report upon the subject;"

And so much of said communication as relates to finance was referred to the committee on Finance.

Mr. Munsell moved that one thousand copies of said communication be printed; which was not agreed to.

Mr. Turney moved the printing of one hundred and fifty copies; which was agreed to.

Mr. Cavarly, from the committee of conference on the disagreeing vote of the two Houses on the resolution to fix the ratio of representation for this House, made the following report:

"This committee have held a conference with the committee on the part of the Senate, and after canvassing the subject, the majority have determined that the ratio of representation, under the census of 1840, shall be *four thousand*, thus giving one Representative in this House for each four thousand inhabitants under said census, and have directed me to report the same to this House as the ratio agreed upon by a majority of said committee."

Mr. Leary presented the remonstrance of citizens of Cook county against a division of said county; which, without reading, on his motion, was referred to the committee on Counties.

Mr. Lincoln presented the petition of citizens of Sangamon county, to authorize Richard C. Norred to erect a mill-dam across the Sangamon river; which, without reading, on his motion, was referred to a select committee.

*Ordered*, That Messrs. Lincoln, Francis, and White be said committee.

Mr. Prentice presented the remonstrance of 200 citizens of Shelby county; which, without reading, on his motion, was referred to the committee on Counties.

Mr. Dunlap presented the petition of 275 citizens of Clay and Lawrence counties, for a new county; which, without reading, on his motion, was referred to the same select committee to which was referred the former petitions on the same subject.

Mr. Carpenter, from the committee on Counties, to which was referred the Senate bill for "An act to define the bounds of Boone county," reported the same back to the House with an amendment; which was read, and,

On motion of Mr. Drummond,

Referred to a select committee.

*Ordered*, That Messrs. Drummond, Murphy of Cook, and Dodge be said committee.

Mr. Trumbull, from the committee on the Judiciary, to which was referred a certain resolution in relation to jails and jailors, reported the same back to the House, and was discharged from the further consideration of the same.

Mr. Trumbull, from the committee on the Judiciary, to which was referred a bill for "An act to exempt certain articles from execution," reported the same back to the House with amendments; which were read, and discussion arising thereon, the bill was informally laid aside, and,

On motion of Mr. Drummond,

The bill for "An act entitled an act to authorize the construction of a railroad from La Salle, in La Salle county, to Dixon, in Lee county, and for chartering a company with authority to construct said railroad, to be called the Illinois and Rock river Railroad Company," was taken up for consideration, and

*Ordered* to be engrossed.

And the bill for "An act to incorporate the Cairo City Mills," which was under consideration when the House adjourned yesterday morning, coming up for consideration,

Mr. Dougherty demanded a call of the House, and pending the call of the House,

Mr. Brown of Sangamon, from the committee on Agriculture and Manufactures, to which was referred a certain resolution, made a report; which was read, accompanied by a bill for "An act to amend the act incorporating agricultural societies;" which was read the first time, and the second time by its title, and

*Ordered to be engrossed.*

Mr. Ross, on leave, introduced a bill for "An act for the formation of the tenth Judicial Circuit of the State of Illinois;" which was read the first time, and the second time by its title, and

*Ordered to be engrossed.*

Mr. Archer, from the committee on State Roads, to which was referred a certain petition, reported a bill for "An act to incorporate the Union Turnpike Company;" which was read the first and second times by its title, and

*Ordered to be engrossed.*

Mr. Green, from the committee on Claims, to which was referred a certain resolution, made a report, accompanied by a bill for "An act making compensation to John L. Heffington and others, for the apprehension of Aaron and William Todd;" which was read the first and second times by its title, and,

On motion of Mr. Olds,

The bill was amended by striking out "seventy-five dollars" and inserting "one hundred dollars;" when the bill was

*Ordered to be engrossed.*

Mr. Leary, from the committee on the Judiciary, to which was referred the bill for "An act for the relief of James McKee," reported the same back to the House, with an amendment as a substitute; which was read and concurred in, and the bill was

*Ordered to be engrossed.*

Mr. Cunningham, from the select committee to which was referred a certain petition, reported a bill for "An act to relocate a State road in Coles county;" which was read the first and second times by its title, and Mr. Cavarly moved to lay the bill on the table; which was not agreed to; when,

On motion of Mr. Ross,

The same was referred to the committee on State Roads.

The Doorkeeper having reported,

The House resumed the consideration of the bill for "An act to incorporate the Cairo City Mills;"

And Mr. Peck moved to amend the report of the committee on Banks and other Corporations, by adding the following:

"Which liability shall continue for one year after any assignment of stock shall have been made by any stockholder, which assignment shall not be valid or have any force, until after the same shall have been entered record on the books of the company at Cairo, which books shall be open at all times for the examination of any person who shall be a creditor of said company."

Mr. Dougherty moved to lay the proposed amendment on the table; which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,  
Messrs. Archer, Bailey, Beall, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Hull, Laughlin, Leary, McLean, Menard, Minshall, Munsell, Murphy of Cook, Murphy of Perry, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Webb, West, and Woodson—41.

Those who voted in the negative, are,  
Messrs. Baldwin, Barnett, Bentley, Bissell, Blackman, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Lester, Logan, McClermand, McClurken, McDonald, McGinnis, Marshall, Moore, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Prentice, Ross, Shepley, Trumbull, Turney, Waters, Wheeler, White, Wilson, Wood, and Mr. Speaker—45.

A message from the Governor, by Mr. Douglass, Secretary of State:

*Mr. Speaker:* I am directed by the Governor to lay before the House of Representatives a written communication; when,

On motion,

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Oliver, from the select committee to which was referred a certain petition, reported a bill for "An act authorizing the proprietors of Metropolis City, in the county of Johnson, to alter the plat thereof;" which was read the first and second times by its title, and

*Ordered* to be engrossed.

On motion of Mr. Brown of Vermilion,

The House again resolved itself into committee of the Whole on the bill for "An act reorganizing the Judiciary of the State of Illinois, Mr. English in the Chair, and after some time spent therein, the committee rose, reported progress, and asked leave to sit again; and before the vote was taken on granting leave,

Mr. Dougherty moved that the House adjourn: which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Bennett, Blackman, Brown of Vermilion, Busey, Canady, Charles, Denny, Dougherty, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Hankins, Hardin, Henderson, Hicks, Hull, Laughlin, Lincoln, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Webb, West, Woodson, and Wood—40.

Those who voted in the negative, are,

Messrs. Baldwin, Barnett, Bissell, Bradford, Brown of Sangamon, Carpenter, Cavarly, Courtright, Cox, Crain, Cunningham, Darnielle, Dodge, Dollins, English, Green, Humphrey, Kelly, Kitchell, Lester, Logan, McClermand, McClurken, McDonald, Moore, Murphy of Cook, Murphy of

Perry, Odam, Olds, Ormsbee, Parsons, Peck, Ross, Shepley, Trumbull, Turney, Waters, Wheeler, White, and Mr. Speaker—41.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have concurred with the committee of conference in their report upon the disagreeing vote of the two Houses upon the joint resolution fixing the ratio of representation, said committee having reported in favor of the amendments of the House of Representatives to said resolution.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives, that they have concurred with them in the passage of a bill of the following title, viz:

“An act to incorporate the Union Manufacturing Company.”

A message from the Council of Revision, by Mr. Purinton, the Secretary of the Council:

*Mr. Speaker:* I am directed by the Council of Revision to inform the House of Representatives that they have this day approved bills of the following titles:

“An act concerning the town of Belvidere;” and

“An act to incorporate the Pisgah Academy;”

When the question being put on granting leave to the committee of the Whole House to sit again on the Judiciary bill, leave was refused, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Beall, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cunningham, Darnielle, Denny, Dougherty, Drummond, Edwards, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Lincoln, McLean, Menard, Minshall, Munsell, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Webb, West, Woodson, and Mr. Speaker—34.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Baldwin, Barnett, Bissell, Busey, Carpenter, Cavarly, Courtright, Cox, Crain, Dodge, Dollins, Emmerson, English, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Lester, Logan, McClernand, McClurken, McDonald, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Ormsbee, Parkinson, Parsons, Peck, Ross, Shepley, Troy, Trumbull, Turney, Waters, Wheeler, White, and Wood—45.

So the committee of the Whole House were discharged from the further consideration of the bill;

And Mr. Trumbull demanded the previous question;

And Mr. Menard moved that the House adjourn; which was agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Lincoln, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Prentice, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, and Woodson—41.

Those who voted in the negative, are,

Messrs. Barnett, Blackman, Bissell, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, English, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Ormsbec, Parsons, Peck, Ross, Shepley, Trumbull, Turney, Wheeler, White, Wood, and Mr. Speaker—40.

So the House adjourned.

### SATURDAY, JANUARY 30, 1841.

House met pursuant to adjournment.

Mr. Crain, from the committee on Enrolled and Engrossed Bills, reported as correctly engrossed, bills of the following titles:

“An act creating a Board of Auditors to settle the accounts of contractors on public works;”

“An act in relation to paupers;”

“An act changing the name of the town of Chatham, in Whiteside county;”

“An act for the relief of James McKee;”

Also, that the same committee had, on Tuesday last, laid before the Council of Revision, for their approval, bills of the following titles:

“An act authorizing the Sheriff of Gallatin county to make a deed to Daniel Wood, for a tract of land therein named;”

“An act concerning the town of Belvidere;”

“An act to incorporate the Pisgah Academy.”

On motion of Mr. Hardin,

The following rule was adopted:

**RULE** —. That hereafter, when the reception of petitions has been gone through with, it shall be the duty of the Chair to call for reports from the standing committees in the order they stand in the rules of the House; and should reports from all the committees of the House be not gone through with in one day, then it shall be the duty of the Speaker to begin with reports from that committee next on the roll to the committee which had last reported on the day previous.

Mr. Woodson presented the petition of citizens of Greene county in relation to a State road; which, without reading, on his motion, was referred to a select committee.

*Ordered*, That Messrs. Woodson, McDonald, and Charles be said committee.

The bill for “An act to incorporate the Cairo City Mills,” coming up for consideration,

On motion of Mr. Murphy of Perry,

The bill and proposed amendments were referred to a select committee of five.

*Ordered*, That Messrs. Murphy of Perry, Dougherty, Murphy of Cook, Edwards, and Brown of Vermilion be said committee.

The report of the committee on Banks and other Corporations, in relation to the State Bank, coming up for consideration,

On motion of Mr. Murphy of Cook,

Was laid on the table.

The bill for "An act to exempt certain articles from execution, coming up for consideration, and the question being on concurring with the report of the committee on the Judiciary,

Mr. Trumbull demanded a division of the question, so as first to take the vote on agreeing to the third section of the report:

And the vote being taken on agreeing to the third section of the report, It was decided in the negative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Blackman, Cavarly, Courtright, Crain, Dunlap, English, Francis, Gillespie, Green, Hankins, Henderson, Hicks, Kitchell, Leary, Lester, Logan, McDonald, McGinnis, McLean, Menard, Minshall, Moore, Munsell, Murphy of Cook, Murphy of Perry, Odam, Ormsbee, Peck, Scott, Trumbull, Wheeler, White, Wilson, Woodson, Wood, and Mr. Speaker—37.

Those who voted in the negative, are,

Messrs. Bailey, Baldwin, Barnett, Beall, Bennett, Bentley, Bissell, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Carpenter, Charles, Cox, Cunningham, Darnielle, Denny, Dollins, Dougherty, Drummond, Edwards, Emmerson, Froman, Funk, Gridley, Hardin, Hull, Humphrey, Kelly, Laughlin, Lincoln, McClernand, McClurken, Olds, Oliver, Parkinson, Parsons, Phelps, Phillips, Prentice, Reynolds, Ross, Thornton, Threlkeld, Troy, Turney, Waters, Webb, and West—50.

When the balance of the report of the Judiciary committee was concurred in, and the bill

*Ordered* to be engrossed.

Mr. Hardin, from the committee on the Judiciary, introduced a bill for "An act to increase the duties of the Fund Commissioner;" which was read the first time, and the second time by its title, and

*Ordered* to be engrossed.

Mr. Hardin, from the Judiciary committee, to which was referred a bill for "An act to amend an act providing for the payment of grand and petit jurors," approved February 13th, 1835, reported the same back to the House, with an amendment as a substitute for the original bill; which having been read,

Mr. Charles moved to amend the third section of the report by striking out the words "verified by the oath or affirmation of said juror;" which was not agreed to.

On motion of Mr. Woodson,

The third section of the report was amended by inserting the words "or taxes" after the word "debts," in the last line but one.

Mr. Blackman moved to amend the report by striking out the sixth section, and inserting as follows:

"Hereafter the docket and jury fees set apart for the creation of a fund for the payment of grand and petit jurors, in the act approved February 13th, 1835, shall be taxed as other costs, and collected by the Sheriff, and it shall be the duty of the county Treasurer to demand of the Sheriff and Clerk of the circuit court, at least twice in each year, all docket and jury fees which they may have received, and in case they fail to pay over any such fees which they have collected, it shall be the duty of the Treasurer



to bring suit forthwith against such delinquent Sheriff or Clerk, in the name of the county commissioners' court, for the use of the proper county, before any justice of the peace, or other court having jurisdiction thereof;" which was not agreed to.

Mr. Henderson moved to amend the sixth section of the report by inserting the words, "and docket fees" after the words "jury fees" or "jury fee," whenever they occur in the section; which was agreed to, and the report, as amended, was concurred in, and the bill

*Ordered* to be engrossed.

Mr. Crain, from the committee on Engrossed Bills, reported as correctly engrossed, the bill for "An act, entitled "An act to authorize the construction of a railroad from La Salle, in La Salle county, to Dixon, in Lee county, and for chartering a company with authority to construct said road, to be called the Illinois and Rock river Railroad Company."

Mr. Leary, from the committee on the Judiciary, to which was referred the Senate bill for "An act for the relief of certain securities therein named," reported the same back to the House with amendments; which were read and concurred in, and the bill, as amended, was

*Ordered* to a third reading.

Mr. Cavarly, from the committee on the Judiciary, to which was referred the Senate bill for "An act authorizing administrators to settle estates in particular cases," reported the same back to the House, and recommended its rejection; when the bill was

*Ordered* to a third reading.

Mr. Hardin, from the committee on the Judiciary, to which was referred the Senate bill for "An act to amend an act to incorporate the town of Jacksonville, and for other purposes," reported the same back to the House, with an amendment; which was read and concurred in, and the bill

*Ordered* to a third reading; and,

On motion of Mr. Hardin,

The rules of the House were dispensed with, and the bill now read a third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence in the amendments thereto.

Mr. Trumbull, from the committee on the Judiciary, reported a bill for "An act in relation to summoning witnesses;" which was read the first time, and the second time by its title, and

*Ordered* to be engrossed.

Mr. Hicks, from the committee on the Judiciary, to which was referred the petition of Horatio N. Bell, reported the same back to the House, and was discharged from the further consideration of the same.

Mr. Prentice, from the committee on Finance, to which was referred a certain petition, reported a bill for "An act for the relief of Stephen Row, of Shelby county; which was read the first time, and

*Ordered* to a second reading.

Mr. Edwards, from the committee on Internal Improvements, to which was referred the bill for "An act authorizing the mutual conveyance of certain lots by and between the Auditor of Public Accounts and J. Whitney," reported the same back to the House, and recommended its passage, and the bill was

*Ordered* to be engrossed.

Mr. Brown of Vermilion, from the committee on Internal Improvements, reported a bill for "An act granting timbers of the internal improvement system to the county of Vermilion, for the purpose of building a bridge on the abutments erected for the Northern Cross Railroad, over the Big Vermilion river, at Danville;" which was read the first time, and the second time by its title, and

Mr. Ross moved to refer the bill to the committee on Finance; which was not agreed to.

Mr. Ross moved the reference of the bill to the committee on Public Accounts and Expenditures; which was not agreed to.

Mr. Bentley moved to lay the bill on the table; which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Barnett, Bentley, Bissell, Blackman, Carpenter, Cavarly, Cox, Crain, Dollins, Drummond, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Lester, McClelland, McClurken, McDonald, Moore, Murphy of Perry, Oliver, Ormsbee, Parsons, Prentice, Ross, Shepley, Trumbull, Turney, Wheeler, White, and Wilson—34.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Baldwin, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Charles, Courtright, Cunningham, Darnielle, Denny, Dodge, Dougherty, Dunlap, Edwards, Emmerson, English, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Hull, Leary, Lincoln, McGinnis, McLean, Menard, Minshall, Munsell, Odam, Olds, Parkinson, Peck, Phelps, Phillips, Reynolds, Scott, Thornton, Threlkeld, Troy, Waters, Webb, West, Woodson, Wood, and Mr. Speaker—53.

Mr. Ormsbee moved to amend the bill by adding the following, after the words "Northern Cross Railroad:"

"And also in like manner lying along the Naples Branch Railroad, or so much thereof as may be necessary, be bestowed upon and used by the citizens of Scott county, in building bridges across the several sloughs near the town of Naples;" which,

On motion of Mr. Brown of Sangamon,

Was laid on the table.

Mr. Ormsbee moved to refer the bill to a select committee of five; which was not agreed to; when,

On motion of Mr. Ross,

The following was added as an additional proviso;

"*Provided, however,* That if said timber and other materials shall not be wanted within five years, then the county of Vermilion shall pay a fair cash valuation for the same, to the State of Illinois;" when,

On motion of Mr. Brown of Vermilion,

The bill was laid on the table, and

The House adjourned to 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Dodge demanded a call of the House, and pending the call,

Mr. Dodge, from the select committee to which was referred a certain petition, reported a bill for "An act to authorize the Governor to make a deed, for a lot therein named, to the Ottawa Library Association;" which was read the first time, and the second time by its title, and

On motion of Mr. Peck,

Referred to the committee on Canals and Canal Lands.

Mr. Parsons, from the select committee to which was referred a certain petition, reported the same back to the House, and was discharged from the further consideration of the same, and

On motion of Mr. Denny,

The petition was referred to a select committee.

Ordered, That Messrs. Denny, Henderson, and Bailey be said committee.

Mr. Woodson, from the select committee to which was referred a bill for "An act to provide for the collection of taxes for the year 1839, in Cass county," reported the same back to the House with amendments; which were read and concurred in, and the bill

Ordered to be engrossed.

On motion of Mr. Dollins,

Further proceedings under the call of the House were dispensed with, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Barnett, Bentley, Bissell, Blackman, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—48.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Hull, Lincoln, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, and Woodson—41.

And the question being put on ordering the main question on the bill for "An act reorganizing the Judiciary of the State of Illinois," which motion was pending when the House adjourned yesterday afternoon,

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Barnett, Bentley, Bissell, Blackman, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore,

Murphy of Cook, Murphy of Perry, Odam, Olds, Ormsbee, Oliver, Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—49.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Hull, Lincoln, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, and Woodson—40.

And the question being put on ordering the bill to a third reading,

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Barnett, Bentley, Bissell, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Lester, Logan, McClelland, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—46.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Hull, Lincoln, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Prentice, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, and Woodson—43.

On motion of Mr. Archer,

The bill for "An act concerning public roads," was taken up for consideration, and committed to the committee of the Whole House, and made the special order of the day for Tuesday next.

On motion of Mr. Webb,

The reports of the select committee in relation to public lands were taken up for consideration, and committed to a committee of the Whole House, and made the special order of the day for Wednesday next.

On motion of Mr. Brown, of Vermilion,

One thousand copies of the reports of the committee on Internal Improvements, together with the bill, and Mr. Munsell's amendment, were ordered to be printed.

Senate resolution fixing on Monday next for the election of State's Attornies in certain Judicial Circuits, and also for the election of Treasurer, Acting Commissioner, and President of the Canal Board, was taken up for consideration, and

On motion of Mr. Odam,

Amended by adding the third Judicial Circuit.

Mr. Olds moved to amend the resolution by striking out "Monday," the first of February, and inserting "Saturday, the sixth;" which was not agreed to.

Mr. Bissell moved to strike out Monday, the first" and insert "Tuesday, the second;" which was not agreed to; when,

On motion of Mr. Olds,

The resolution was amended by striking out "Monday, the first," and inserting "Friday, the fifth," by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Bentley, Bissell, Blackman, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, English, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turney, West, Wheeler, Wilson, Wood, and Mr. Speaker—45.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Dunlap, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Hull, Leary, Lincoln, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Threlkeld, Thornton, Troy, Waters, Webb, and Woodson—41.

And the resolution as amended was agreed to.

*Ordered*, That the Clerk inform the Senate thereof, and ask their concurrence in the amendments thereto.

Senate bill for "An act to establish a State road from York, in Clark county, to Waterton, in Clay county," was read the first time, and the second time by its title, and

*Ordered* to a third reading.

Senate bills of the following titles were severally read the first time, and

*Ordered* to a second reading.

"An act regulating evidence in certain cases;"

"An act in relation to the public square, in the original town of Ottawa;"

"An act to locate a State road from Columbus to Houston, in Adams county."

House bill for "An act to prevent the unlawful driving away of cattle and other stock by drovers and others," with Senate amendments thereto, was taken up for consideration, and the Senate amendment concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

The message from the Senate containing the amended resolution of the committee of conference on the revisal of all laws of a general nature, coming up for consideration,

Mr. Hardin moved the indefinite postponement of the resolution.

Mr. Webb moved that the resolution be laid on the table; which was not agreed to.

And the question being put on the indefinite postponement of the resolution,

It was decided in the negative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Beall, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Denny, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Hull, Lincoln, McLean, Menard, Minshall, Munsell, Oliver, Parkinson, Phelps, Phillips, Thornton, Threlkeld, Troy, Webb, and Woodson—33.

Those who voted in the negative, are,  
Messrs. Bailey, Baldwin, Bentley, Bissell, Blackman, Busey, Carpenter, Cavarly, Courtright, Crain, Dollins, Dougherty, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kitchell, Laughlin, Leary, Lester, Logan, McClurken, McDonald, McGinnis, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Ormsbee, Peck, Prentice, Reynolds, Ross, Scott, Trumbull, Turney, Waters, Wheeler, Wilson, Wood, and Mr. Speaker—44.

When the resolution, as amended by the committee of conference, was concurred in, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bailey, Baldwin, Bentley, Bissell, Blackman, Busey, Carpenter, Cavarly, Courtright, Crain, Dollins, Dougherty, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kitchell, Laughlin, Leary, Lester, Logan, McClurken, McDonald, McGinnis, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Ormsbee, Peck, Prentice, Reynolds, Ross, Scott, Shepley, Trumbull, Turney, Waters, Wilson, Wood, and Mr. Speaker.—43.

Those who voted in the negative, are,

Messrs. Archer, Beall, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Denny, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Hull, Lincoln, McLean, Menard, Minshall, Munsell, Oliver, Parkinson, Phelps, Phillips, Thornton, Threlkeld, Troy, Webb, Wheeler, and Woodson—34.

*Ordered*, That the Clerk inform the Senate thereof.

Engrossed bill for "An act in relation to the school fund," was read the third time, and

On motion of Mr. Bissell,

Amended by striking out all after the enacting clause, and inserting the following, viz:

"That the collectors of the several counties in this State be, and they are hereby authorized and required to pay to the school commissioners of their respective counties the amount due such counties respectively, on account of interest on the school fund, upon presentation of the proper warrants therefor;"

When the bill, as amended, was

*Ordered* to be re-engrossed; and

On motion,

The House adjourned.

## MONDAY, FEBRUARY 1, 1841.

House met pursuant to adjournment.

Mr. Crain, from the committee on Engrossed Bills, reported as correctly engrossed, bills of the following titles:

"An act authorizing the proprietors of Metropolis City, in the county of Johnson, to alter the plat thereof;"

"An act to incorporate the Union Turnpike Company;"

"An act making compensation to John L. Heffington and others, for the apprehension of Aaron and William Todd;"

"An act to amend the act incorporating agricultural societies."

Mr. Logan presented the petition of John F. Webb and Th. L. Thruston; which was read, and on his motion, referred to the committee on Salines.

Mr. Logan also presented the petition of the Mount Carbon Coal Company; which was read, and on his motion, referred to a select committee.

*Ordered*, That Messrs. Logan, Murphy of Perry, and McGinnis, be said committee.

Mr. Logan also presented the petition of citizens of Jackson county, in relation to Big Muddy Saline; which was read, and on his motion, referred to a select committee.

*Ordered*, That Messrs. Logan, Dougherty, and Dollins, be said committee.

Mr. Gridley presented the petition of citizens of McLean, in relation to a State road; which, without reading, on his motion, was referred to the committee on State Roads.

Mr. Dodge presented the petition of citizens of La Salle county, in relation to a State road; which, without reading, on his motion, was referred to the committee on State Roads.

Mr. Wheeler, from the committee on Canals and Canal Lands, reported a bill for "An act for the relief of J. D. Morrison;" which was read the first time, and the second time by its title, and

*Ordered* to be engrossed.

Mr. McClernand, from the committee on Canals and Canal Lands, reported a bill for "An act to authorize the trustees of Shawneetown to construct a Macadamised road; which was read the first time, and the second time by its title, and

On motion of Mr. McClernand,

Referred to a select committee.

*Ordered*, That Messrs. McClernand, Waters, and Carpenter, be said committee.

Mr. Green, from the committee on Claims, to which was referred the petition of Messrs. Finch and Hubback, reported the same back to the House, and was discharged from the further consideration of the same.

Mr. Green, also, from the committee on Claims, to which was referred the petition of citizens of Menard, reported the same back to the House, and was discharged from the further consideration of the same.

Mr. Green, also, from the committee on Claims, to which was referred the petition of citizens of Dixon, in Lee county, reported the same back to the House, and was discharged from the further consideration of the same.

Mr. Bently, from the committee on Public Buildings and Grounds, to which was referred the reports of the Commissioners of the State House, with other papers and instructions to investigate, &c., reported the same back to the House, and was discharged from the further consideration of the same, and recommended the appointment of a Board of Auditors to settle their accounts.

Mr. Archer, from the committee on State Roads, to which was referred certain petitions in relation to a ferry across the Illinois river, at Peoria, to-

gether with a bill for "An act to establish a ferry across the Illinois river," reported the same back to the House with amendments; which being read, Mr. Phelps moved to refer the bill to the committee on the Judiciary; which motion to refer,

On motion of Mr. Cavarly,

Was laid on the table.

Mr. Ormsbee moved to amend the report by adding the following proviso:

"*Provided*, That this act may be repealed, amended, or modified by any subsequent Legislature whenever the public good may require it;" which was agreed to.

Mr. Phelps demanded a division of the question; first to take the vote on concurring with the committee in their amendment to the sixth section of the bill; and the question being put on concurring in the proposed amendments to the sixth section,

It was decided in the affirmative.

And the residue of the report of the committee was concurred in.

Mr. Trumbull moved to amend the third section of the bill by striking out the word "sole."

Which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bailey, Baldwin, Bissell, Blackman, Denny, Dollins, Green, Hankins, Henderson, Hull, Kelly, Kitchell, Laughlin, Leary, Lester, McClurken, McDonald, McGinnis, Moore, Murphy of Cook, Olds, Oliver, Peck, Phelps, Trumbull, Turney, Waters, Wheeler, and Wilson—29.

Those who voted in the negative, are,

Messrs. Archer, Bennett, Bentley, Bradford, Brown of Sangamon, Brown of Vermilion, Buscy, Canady, Carpenter, Cavarly, Charles, Courtright, Cox, Cunningham, Darnielle, Dodge, Dougherty, Dunlap, Edwards, Emmerson, Froman, Gillespie, Gridley, Hardin, Hicks, Lincoln, Logan, McLean, Marshall, Menard, Minshall, Munsell, Murphy of Perry, Odam, Ormsbee, Parkinson, Parsons, Phillips, Prentice, Reynolds, Scott, Thornton, Threlkeld, Troy, Webb, West, White, Woodson, Wood, and Mr. Speaker—50.

Mr. Phelps moved to strike out the seventh section of the bill.

Which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bailey, Baldwin, Blackman, Carpenter, Charles, Denny, Dollins, Green, Hankins, Henderson, Hull, Kelly, Kitchell, Laughlin, Leary, Lester, McClurken, McDonald, Moore, Murphy of Cook, Olds, Oliver, Peck, Phelps, Trumbull, Waters, Wheeler, and Wilson—28.

Those who voted in the negative, are,

Messrs. Archer, Barnett, Bennett, Bentley, Bissell, Bradford, Brown of Sangamon, Brown of Vermilion, Buscy, Canady, Cavarly, Courtright, Cox, Cunningham, Darnielle, Dodge, Dougherty, Dunlap, Edwards, Emmerson, Froman, Gillespie, Gridley, Hardin, Hicks, Lincoln, Logan, McGinnis, McLean, Marshall, Menard, Minshall, Munsell, Murphy, of Perry, Odam, Ormsbee, Parkinson, Parsons, Phillips, Prentice, Reynolds, Scott, Thornton, Threlkeld, Troy, Turney, Webb, West, White, Woodson, Wood, and Mr. Speaker—52.



Mr. Phelps moved to amend the first section of the bill by striking out the words "both sides of said outlet," and insert the words "the east side of said outlet."

Mr. White demanded the previous question; which was sustained.

And the question being put on the motion of Mr. Phillips, to amend the first section,

It was decided in the negative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Blackman, Denny, Drummond, Green, Hankins, Henderson, Hull, Kitchell, Laughlin, McClurken, McGinnis, Moore, Olds, Oliver, Peck, Phelps, Scott, Trumbull, Wheeler, and Wilson—21.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Barnett, Bennett, Bentley, Bradford, Brown of Sangamon, Busey, Canady, Carpenter, Cavarly, Courtright, Cox, Cunningham, Darnielle, Dodge, Dollins, Dougherty, Dunlap, Emmerson, English, Froman, Gillespie, Gridley, Hardin, Hicks, Kelly, Leary, Lester, Lincoln, Logan, McLean, Marshall, Menard, Minshall, Munsell, Murphy of Perry, Odam, Parkinson, Parsons, Phillips, Prentice, Reynolds, Thornton, Threlkeld, Troy, Turney, Waters, West, White, Woodson, Wood, and Mr. Speaker—53.

When the bill was

Ordered to be engrossed for a third reading, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Barnett, Bennett, Bentley, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Carpenter, Cavarly, Courtright, Cox, Cunningham, Darnielle, Dodge, Dougherty, Dunlap, Edwards, Emmerson, Froman, Gillespie, Gridley, Hardin, Hicks, Kelly, Lester, Lincoln, Logan, McLean, Marshall, Menard, Minshall, Munsell, Murphy of Perry, Odam, Ormsbee, Parkinson, Parsons, Phillips, Prentice, Reynolds, Scott, Thornton, Threlkeld, Troy, Waters, White, Woodson, Wood, and Mr. Speaker—52.

Those who voted in the negative, are,

Messrs. Baldwin, Blackman, Charles, Denny, Drummond, Green, Hankins, Henderson, Hull, Kitchell, Laughlin, Leary, McClurken, McDonald, McGinnis, Moore, Olds, Oliver, Phelps, Peck, Trumbull, Turney, Wheeler, and Wilson—24.

When

The House adjourned to 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The House met pursuant to adjournment.

Mr. Trumbull demanded a call of the House, and pending the call,

Mr. Lincoln, from the committee on Finance, to which was referred the bill for "An act authorizing certain debtors of the State to discharge their indebtedness in Illinois internal improvement scrip." reported the same back to the House, and recommended its passage, and

Mr. Ross moved to amend the bill by adding the following proviso:  
"Provided the same be paid without suit."

Mr. Peck moved to dispense with further proceedings under the call of the House.

Which was agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Baldwin, Barnett, Bentley, Bissell, Blackman, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kitchell, Laughlin, Lester, Logan, McClelland, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—49.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Drummond, Edwards, Emmerson, Francis, Froman, Gillespie, Gridley, Hardin, Henderson, Hull, Lincoln, McLean, Menard, Minshall, Munsell, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, and Woodson—38.

And the special order being the bill for "An act reorganizing the Judiciary of the State of Illinois, it was read the third time," and

Mr. Peck demanded the previous question.

Mr. Gillespie moved that the House adjourn.

Which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Beall, Bennett, Brown of Sangamon, Charles, Cox, Cunningham, Darnielle, Denny, Drummond, Edwards, Emmerson, Francis, Froman, Gillespie, Gridley, Hardin, Henderson, Lincoln, McLean, Menard, Minshall, Munsell, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Waters, Webb, West, and Woodson—32.

Those who voted in the negative, are,

Messrs. Able, Bailey, Baldwin, Barnett, Bentley, Bissell, Blackman, Brown of Vermilion, Canady, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, Dunlap, English, Green, Hankins, Hicks, Hull, Humphrey, Kelly, Kitchell, Laughlin, Lester, Logan, McClelland, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parkinson, Parsons, Peck, Prentice, Ross, Scott, Shepley, Troy, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—56.

Mr. Webb moved to lay the bill on the table.

Which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Drummond, Edwards, Emmerson, Francis, Froman, Gillespie, Gridley, Hardin, Henderson, Hull, Lincoln, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, and Woodson—39.

Those who voted in the negative, are,

Messrs. Able, Baldwin, Barnett, Bentley, Bissell, Blackman, Carpenter,

Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Lester, Logan, McClurken, McDonald, McClernand, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—49.

And the question being—"Shall the main question be now put?"

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Baldwin, Barnett, Bentley, Bissell, Blackman, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilsor, Wood, and Mr. Speaker—49.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Drummond, Edwards, Emmerson, Francis, Froman, Gillespie, Gridley, Hardin, Henderson, Hull, Lincoln, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, and Woodson—39.

And the question being put on the passage of the bill,

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Barnett, Bentley, Bissell, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dunlap, English, Green, Hankins, Humphrey, Kelly, Kitchell, Laughlin, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—45.

Those who voted in the negative, are,

Messrs. Able, Archer, Bailey, Beall, Bennett, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Edwards, Emmerson, Francis, Froman, Gillespie, Gridley, Hardin, Henderson, Hicks, Hull, Lincoln, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, and Woodson—43.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof.

When the bill reported from the committee on Finance, and which was laid aside informally, in relation to the discharge of certain State debts in Illinois State internal improvement scrip, coming up for consideration.

And the question being on the amendment proposed by Mr. Ross,

It was rejected by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Bentley, Bissell, Blackman, Cavarly, Courtright, Crain, Dollins, Dougherty, Froman, Hankins, Hicks, Humphrey, Kitchell,

Lester, Logan, McClurken, McDonald, McGinnis, Moore, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Ross, Scott, Shepley, Trumbull, Turney, Waters, West, Wheeler, White, Wilson, and Wood—37.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Barnett, Beall, Bentley, Bradford, Brown of Sangamon, Brown of Vermilion, Carpenter, Cox, Cunningham, Darnielle, Denny, Drummond, Dunlap, Edwards, Emmerson, Francis, Gillespie, Green, Hardin, Henderson, Hull, Leary, Lincoln, McClernand, McLean, Menard, Minshall, Munsell, Parkinson, Peck, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Webb, Woodson, and Mr. Speaker—41.

And the bill was

*Ordered*, to be engrossed for a third reading.

Engrossed bill for "An act to create the county of Orange," was read the third time and passed; and

On motion of Mr. Turney,

The title of the bill was amended by striking out "Orange" and inserting "Kentall."

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein; when,

On motion,

The House adjourned.

## TUESDAY, FEBRUARY 2, 1841.

House met pursuant to adjournment.

Mr. Hardin moved that permission be given to Mr. Funk, a Representative from the county of McLean, to record his vote on the passage of the bill for "An act reorganizing the Judiciary of the State of Illinois;" Mr. Funk having been absent when the vote was taken on the passage of said bill.

Which was not not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Cavarly, Charles, Cox, Cunningham, Darnielle, Denny, Drummond, Dunlap, Edwards, Emmerson, Francis, Froman, Gridley, Hardin, Henderson, Hull, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, Woodson, and Mr. Speaker—39.

Those who voted in the negative, are,

Messrs. Baldwin, Bentley, Bissell, Blackman, Carpenter, Cavarly, Court-right, Crain, Dodge, Dollins, Dougherty, Green, Hankins, Humphrey, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Oliver, Ormsbee, Parsons, Peck, Ross, Scott, Trumbull, Turney, Wheeler, White, Wilson, and Wood—40.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives, that they have passed bills of the following titles:

"An act for the relief of William S. Crawford;"

"An act supplemental to an act. entitled "An act to incorporate the Cairo City and Canal Company," approved March 4, 1837;

"An act for the resurvey of the Lower town of Carlyle, in Clinton county."

In the passage of which they ask the concurrence of the House of Representatives.

Mr. Dodge presented the petition of citizens of Illinois for the passage of a law requiring farmers and others to mark their meal-bags; which, without reading, on his motion, was referred to the committee on the Judiciary.

Mr. Carpenter, from the committee on Counties, to which was referred a certain petition, reported a bill for "An act for the formation of the county of Woodford;" which was read the first and second times by its title, and

On motion of Mr. Gridley,

Recommitted to the committee on Counties.

Mr. Busey, from the committee on Counties, to which was referred a certain resolution, reported a bill for "An act for the better regulation of the county commissioners' courts in the several counties of this State;" which was read the first time, and

*Ordered* to a second reading.

Mr. Carpenter, from the committee on Counties, to which was referred the petition of citizens of Shelby and Macon, reported a bill for "An act to establish the county of Okaw;" which was read the first and second times by its title, and

On motion of Mr. Barnett,

Referred to a select committee.

*Ordered*, That Messrs. Barnett, Prentice, and White be said committee.

Mr. Carpenter, from the committee on Counties, to which was referred sundry petitions and remonstrances from citizens of Johnson county, in relation to a new county;

From citizens of Adams and Pike counties, in relation to a new county;

From citizens of La Salle and Bureau counties, in relation to a new county;

From citizens of Cook and Will counties in relation to a new county;

From the citizens of Sangamon, Morgan, and Macoupin counties, in relation to a new county; reported the said several petitions and remonstrances back to the House, and was discharged from the further consideration of the same.

Mr. Carpenter, from the committee on Counties, to which was referred the Senate bill for "An act concerning county seats and county lines," reported the same back to the House without amendment; and

On motion of Mr. Henderson,

The first section of the bill was amended by inserting the words "less than" before the words "ten miles."

Mr. Henderson moved further to amend the second section by striking out the words "four hundred," and inserting the words "three hundred and twenty-five" before the words "square miles."

Which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Beall, Bentley, Bradford, Brown of Sangamon, Carpenter, Darnielle, Dodge, Emmerson, Francis, Green, Hankins, Hardin, Henderson, Hull, Kitchell, Laughlin, Leary, Lester, Lincoln, McLean, Minshall, Odam, Oliver, Parkinson, Troy, Turney, Waters, and White—28.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Baldwin, Bennett, Bissell, Blackman, Brown of Vermilion, Busey, Cavarly, Charles, Courtright, Crain, Cunningham, Denny, Dollins, Dougherty, Drummond, Dunlap, Edwards, Froman, Funk, Gillespie, Humphrey, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Menard, Moore, Munsell, Murphy of Cook, Murphy of Perry, Ormsbee, Parsons, Peck, Phelps, Phillips, Reynolds, Ross, Scott, Thornton, Threlkeld, Trumbull, West, Wheeler, Wilson, Woodson, Wood, and Mr. Speaker—52.

Mr. Henderson moved to strike out the last clause of the second section, as follows:

“Nor shall any county be created after the passage of this act, the territory of which shall contain less than four hundred square miles.”

Mr. Ormsbee moved to lay the bill and proposed amendment on the table;

Which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Barnett, Bentley, Bissell, Carpenter, Charles, Crain, Dollins, Francis, Green, Hankins, Kitchell, Laughlin, Leary, Lester, McClernand, McClurken, McGinnis, McLean, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Ormsbee, Parsons, Peck, West, and Wheeler—28.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Baldwin, Beall, Bennett, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Cavarly, Courtright, Cunningham, Darnielle, Denny, Dodge, Drummond, Edwards, Emmerson, Froman, Funk, Gridley, Hardin, Henderson, Hull, Humphrey, Logan, McDonald, Menard, Minshall, Munsell, Oliver, Parkinson, Phelps, Phillips, Reynolds, Ross, Scott, Thornton, Threlkeld, Troy, Turney, Webb, Wilson, Woodson, Wood, and Mr. Speaker—48.

Mr. Kitchell moved the indefinite postponement of the bill;

Which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Barnett, Bentley, Bissell, Blackman, Brown of Sangamon, Carpenter, Crain, Dollins, Francis, Green, Humphrey, Kitchell, Laughlin, Leary, Lester, McClurken, McGinnis, McLean, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Ormsbee, Parsons, Turney, West, Wheeler, White, and Wood—30.

Those who voted in the negative, are,

Messrs. Archer, Baldwin, Beall, Bennett, Bradford, Brown of Vermilion, Busey, Canady, Cavarly, Charles, Courtright, Cunningham, Darnielle, Denny, Dodge, Dougherty, Drummond, Edwards, Emmerson, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Hull, McDonald, Menard, Minshall, Munsell, Oliver, Parkinson, Peck, Phelps, Phillips, Reynolds, Ross, Scott, Thornton, Threlkeld, Troy, Trumbull, Webb, Wilson, Woodson, and Mr. Speaker—46.

Mr. Ormsbee moved to amend the bill by adding the following proviso:

*"Provided always, That the passage of this act shall in no wise effect any bill or claims to a bill for a law altering, or creating any county in this State which may now be pending before the Legislature, nor any subsequent Legislature."*

Which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Barnett, Bentley, Bissell, Blackman, Busey, Carpenter, Dodge, Dougherty, Dollins, Dunlap, Green, Humphrey, Kitchell, Laughlin, Leary, Lester, McClurken, McGinnis, McLean, Moore, Murphy of Perry, Odam, Oliver, Ormsbee, Parsons, West, Wheeler, and White—28.

Those who voted in the negative, are,

Messrs. Archer, Baldwin, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Cavarly, Charles, Courtright, Cunningham, Darnielle, Denny, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Hull, McDonald, Menard, Minshall, Munsell, Parkinson, Peck, Phelps, Phillips, Reynolds, Ross, Scott, Thornton, Thielkeld, Troy, Trumbull, Turney, Webb, Wilson, Woodson, Wood, and Mr. Speaker—46.

Mr. Woodson moved to amend the second section of the bill by striking out the words "after the passage of this act;" and insert "hereafter;" and at the end of said section, the words "this act to take effect from and after the first day of March next;" when,

On motion,

The House adjourned.

### WEDNESDAY, FEBRUARY 3, 1841.

House met pursuant to adjournment.

Mr. Crain, from the committee on Engrossed bills, reported as correctly engrossed, bills of the following titles:

"An act to amend an act providing for the payment of grand and petit jurors," approved February 13th, 1835;

"An act to exempt certain articles from execution;"

"An act in relation to summoning witnesses;"

"An act to increase the duties of the Fund Commissioner."

Mr. Phelps presented the petition of citizens of Knox, Peoria, and Fulton counties, in relation to breeds of cattle; which was read, and on his motion, referred to the committee on Agriculture and Manufactures.

Mr. Hull presented the remonstrance of citizens of Tazewell county against a division of said county; which, without reading, on his motion, was referred to the committee on Counties.

The Senate bill reported back yesterday from the committee on Counties, for "An act concerning county seats and county lines," coming up for consideration, and the question being put on agreeing to the amendment proposed by Mr. Woodson,

It was agreed to,

And the question recurring on the motion proposed by Mr. Henderson to strike out the last clause in the second section,

It was decided in the negative.

Mr. Ormsbee moved to lay the bill on the table till the 4th day of July next; which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Barnett, Bentley, Blackman, Brown of Sangamon, Busey, Carpenter, Crain, Dollins, Dougherty, Dunlap, Emmerson, Francis, Green, Kitchell, Laughlin, Leary, McClernand, McDonald, McGinnis, Marshall, Murphy of Perry, Odam, Olds, Ormsbee, Parsons, West, Wheeler, White, and Mr. Speaker—30.

Those who voted in the negative, are,

Messrs. Bailey, Beall, Bradford, Brown of Vermilion, Canady, Cavarly, Courtright, Darnielle, Denny, Drummond, Edwards, Gillespie, Gridley, Henderson, Hull, Lincoln, Menard, Minshall, Munsell, Oliver, Parkinson, Peck, Phillips, Phelps, Reynolds, Thornton, Troy, Trumbull, Turney, Webb, Wilson, Woodson, and Wood—33.

Mr. Brown of Sangamon moved to amend the bill by striking out all after the enacting clause, and insert as follows:

"That no old county shall be divided by this Legislature so as to bring the county lines within less than ten miles of the seat, nor shall any old county be divided so as to reduce it below four hundred square miles, nor shall any new county be formed, with a less territory than three hundred and twenty-four square miles;" which,

On motion of Mr. Cavarly,

Was laid on the table.

Mr. Carpenter moved the previous question; which was sustained, And the bill, as amended, was

*Ordered* to a third reading.

Mr. Carpenter, from the committee on Counties, to which was referred the petition of citizens of Sangamon county, reported a bill for "An act to create the county of Athens: which was read the first time, and

*Ordered* to a second reading.

Mr. Carpenter, from the committee on Counties, reported a bill for "An act to locate the county seat of Stark;" which was read the first time, and the second time by its title, and

On motion of Mr. Henderson,

The blank in the first section was filled with the names of "Peter Van Bergen, and William F. Elkin," and the bill was

*Ordered* to be engrossed.

Mr. Dodge presented a remonstrance of citizens of Kane county against a division of said county; which, without reading, on his motion, was referred to the committee on Counties.

Mr. Parsons, from the select committee to which was referred the Senate bill for "An act authorizing an additional justice of the peace and constable in the town of Florence, in Pike county," reported the same back to the House with an amendment; which was read and concurred in, and the bill, as amended, was

*Ordered* to a third reading.

Mr. Hardin, from the select committee to which was referred a certain petition, reported a bill for "An act to amend the act, entitled 'An act to incorporate the colleges therein named;' which was read the first time, and the second time by its title, and,

On motion of Mr. Edwards,

Referred to the committee on Internal Improvements.



Mr. Logan, from the select committee to which was referred a certain petition, reported a bill for "An act supplemental to an act to incorporate the Mount Carbon Coal Company, to increase the capital stock of said company to one million of dollars, for the purposes hereinafter mentioned;" which was read the first and second times by its title, and referred to the committee on the Judiciary.

Mr. Denny, from the select committee to which was referred a certain petition, reported a bill for "An act authorizing Henry Hand to keep a ferry across Rock river;" which was read the first and second times by its title, and

*Ordered to be engrossed.*

Mr. Courtright, from the joint select committee appointed to draft a memorial to Congress, praying an alteration in the land laws so as to enable the actual settler to purchase forty acre lots without restriction as to number, reported a memorial for that purpose; which was read, and agreed to.

*Ordered*, That the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. White, from the select committee to which was referred certain petitions, reported a bill for "An act to locate a State road from Decatur to Alton;" which was read the first and second times by its title, and

*Ordered to be engrossed.*

Mr. Leary, from the select committee to which was referred the bill for "An act to amend an act to incorporate the city of Chicago, approved the fourth day of March, one thousand eight hundred and thirty-seven," reported the same back to the House with amendments; which, without reading, were concurred in, and the bill

*Ordered to be engrossed.*

Mr. Green, from the select committee to which was referred certain petitions, reported a bill for "An act to authorize the relocation of the county seat of Clay county; which was read the first and second times by its title, and

*Ordered to be engrossed.*

Mr. Marshall, from the select committee to which was referred a certain petition, reported a bill for "An act to incorporate the Salem Steam Mill Company;" which was read the first and second times by its title, and

*Ordered to be engrossed.*

Mr. Murphy of Perry, from the select committee to which was referred a petition, reported a bill for "An act to vacate the plat of the town of Iowa, in Perry county;" which was read the first time, and the second time by its title, and

*Ordered to be engrossed.*

Mr. Francis, from the select committee to which was referred certain petitions, reported a bill for "An act to authorize John Primm, Sen. to build a mill-dam across the Sangamon river;" which was read the first time, and the second time by its title, and

*Ordered to be engrossed.*

Mr. Green, from the select committee to which was referred certain petitions, reported a bill for "An act in relation to certain mill-dams on Big

Muddy, in Jasper and Clay counties;" which was read the first time, and the second time by its title, and

*Ordered* to be engrossed.

Mr. Munsell, from a select committee, from which had been reported a bill, reported also, as supplemental, a bill for an act to provide for the appointment of another commissioner to review certain State roads;" which was read the first time, and the second time by its title, and

*Ordered* to be engrossed.

Mr. Drummond, from the select committee to which was referred a certain petition, reported a bill for "An act authorizing David and Samuel Mitchell to establish a ferry across the Mississippi river at Albany, in Whiteside county;" which was read the first time, and the second time by its title, and

*Ordered* to be engrossed.

Mr. Denny, from the select committee to which was referred a certain petition, reported a bill for "An act creating an additional justice of the peace and constable in Cherry Grove precinct, Knox county;" which was read the first time, and the second time by its title, and

*Ordered* to be engrossed.

Mr. Murphy of Peery, from the select committee to which was referred the Senate bill for "An act to incorporate the Cairo City Mills," reported the same back to the House with an amendment in lieu of the amendment reported by the committee on Banks and other Corporations; which was read and concurred in, and the bill

*Ordered* to a third reading.

Mr. Busey, from the select committee to which was referred a certain petition, reported a bill for "An act to locate a State road from Urbana, in Champaign county, by way of North Bend, to Marion, in De Witt county;" which was read the first time, and the second time by its title, and

*Ordered* to be engrossed.

Mr. Green, from the select committee to which was referred a certain petition, reported a bill for "An act to authorize Solomon Husalton to build a dam across the Little Wabash river;" which was read the first time, and the second time by its title, and

*Ordered* to be engrossed.

Mr. Thornton, from the select committee to which was referred a certain petition, reported a bill for "An act to change the name of the town of Millersburg, in the county of Mercer, to that of Troy;" which was read the first time, and the second time by its title, and

*Ordered* to be engrossed.

Mr. Thornton, also, from the select committee to which was referred a certain petition, reported a bill for "An act to authorize Stanton Prentiss to establish a ferry across the Mississippi river;" which was read the first time, and the second time by its title, and

*Ordered* to be engrossed.

Mr. Drummond, from the select committee to which was referred the Senate bill for "An act to amend an act to authorize Henry W. Cleveland to build a bridge across the Winnebago Swamp," approved February

19th, 1839, reported the same back to the House with amendments; which were read and concurred in, and the bill

*Ordered* to a third reading.

Mr. Trumbull, on leave, introduced a bill for "An act incorporating the Mississippi Bridge Company;" which was read the first time, and the second time by its title, and on his motion, referred to the committee on Banks and other Corporations.

Mr. Gillespie, on leave, introduced a bill for "An act to establish a ferry therein named;" which was read the first time, and the second time by its title, and on his motion, referred to the committee on State Roads.

Mr. Dodge, on leave, introduced a bill for "An act to incorporate the Phoenix Insurance Company;" which was read the first and second times by its title, and on his motion, referred to the committee on Banks and other Corporations.

Mr. White, on leave, introduced a bill for "An act to amend an act, entitled 'An act for the organization and government of the militia of this State,' in force July 2d, 1833; which was read the first time, and the second time by its title, and,

On motion of Mr. Hardin,

The blank in the last clause of the bill was filled with the words "first day of March next," and,

On motion of Mr. Henderson,

The following was added as an additional proviso to section sixth:

"*Provided*, That should a call be made for actual service, those who may volunteer or be drafted shall have the right of electing their own officers."

Mr. Hardin moved to refer the bill to a select committee.

Mr. Kitchell moved the reference of the bill to the committee on the Militia; which was agreed to.

Mr. Murphy of Perry, on leave, introduced a bill for "An act regulating judicial sales;" which was read the first time, and refused a second reading, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Barnett, Bentley, Blackman, Carpenter, Courtright, Crain, Dodge, Dollins, Dunlap, Edwards, Green, Gridley, Hicks, Lester, Logan, McDonauld, McLean, Marshall, Minshall, Murphy of Perry, Odam, Olds, Oliver, Parsons, Peck, Turney, Waters, Wheeler, White, Wood, and Mr. Speaker—31.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Baldwin, Beall, Bennett, Bissell, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Cunningham, Darnielle, Denny, Dougherty, Drummond, Emmerson, Francis, Froman, Funk, Gillespie, Hardin, Henderson, Hull, Kitchell, Laughlin, Leary, Lincoln, McClurken, McGinnis, Menard, Moore, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Trumbull, Webb, West, Wilson, and Woodson—45.

And,

On motion,

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have passed a bill for "An act to locate permanently the seat of justice of Logan county."

In which they ask the concurrence of the House of Representatives.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have passed bills of the following titles, to wit:

A bill for "An act to amend an act, entitled 'An act for the relief of Charles J. Weed,'" approved January 27, 1837;

"An act to amend an act concerning judgments and executions," approved January 17, 1825.

In the passage of which, they ask the concurrence of the House of Representatives.

A message from the Council of Revision, by Mr. Purinton, Secretary to the Council:

*Mr. Speaker:* I am directed by the Council of Revision to return to the House of Representatives "An act authorizing the Sheriff of Gallatin county to make a deed to Daniel Wood, for a tract of land therein named," with objections.

The bill for "An act concerning public roads," coming up for consideration as the special order of the day,

On motion of Mr. Archer,

The House resolved itself into committee of the Whole, on the consideration of the same, Mr. Trumbull in the Chair, and after some time spent therein, the committee rose and reported sundry amendments to the bill; when,

On motion,

The House adjourned.

THURSDAY, FEBRUARY 4, 1841.

House met pursuant to adjournment.

Mr. Crain, from the committee on Engrossed Bills, reported as correctly engrossed, bills of the following titles:

"An act to establish a ferry across the Illinois river;"

"An act to provide for the collection of taxes for the year 1839, in Cass county;"

"An act for the relief of J. D. Morrison;"

"An act authorizing certain debtors of the State to discharge their indebtedness in Illinois internal improvement scrip."

Mr. Emmerson demanded a call of the House; pending the call,

Mr. Dunlap presented the petition of citizens of Lawrence county for a special act to legalize a contract of a minor; which, without reading, on his motion, was referred to a select committee.

*Ordered*, That Messrs. Dunlap, Turney, and Parkinson be said committee.

Mr. Drummond, on leave, introduced a bill for "An act to incorporate the American University;" which was read the first and second times by its title, and on his motion, referred to the committee on Education.

Mr. Drummond, on leave, introduced bills of the following titles:

"An act to incorporate the Rockford and Chicago Railroad Company."

"An act to incorporate the Rock river Hydraulic and Manufacturing Company;"

"An act to improve the navigation of Rock river, at Rockford, in the county of Winnebago, and to incorporate the Rockford Hydraulic Company;" which were severally read the first and second times by their titles, and on his motion, referred to the committee on Internal Improvements.

The bill for "An act to settle the contracts with Wright & Co., and Thompson & Forman, of London," introduced yesterday by Mr. Logan, was read the first and second times by its title, and referred to the committee on Finance.

Mr. Peck, on leave, introduced bills of the following titles:

"An act relating to the recording or registering of conveyances, or other instruments of writing, executed out of this State, and within the United States;"

"An act to authorize mortgagees to redeem real estate sold for taxes and assessments;" which were severally read the first and second times by their titles, and on his motion, referred to the committee on the Judiciary.

Mr. Hardin, on leave, introduced a bill for "An act to incorporate the Springfield, Jacksonville, and Meredosia Railroad Company;" which was read the first time, and the second time by its title, and,

On motion of Mr. Ormsbee,

Referred to the committee on Banks and other Corporations;

And the question coming up on concurring with the committee of the Whole House in their amendments to the bill for "An act concerning public roads,"

Mr. Archer demanded a division of the question, so as first to take the vote on concurring with the committee of the Whole in all their amendments to the bill, except the amendments to section nineteenth.

Mr. Dollins moved to lay the bill and amendments on the table; which was not agreed to;

And the question being put, all the amendments except those to section nineteenth, were concurred in;

And on concurring with the committee of the Whole in their amendment to section nineteenth,

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Beall, Bradford, Brown of Sangamon, Brown of Vermilion, Cavarly, Crain, Darnielle, Edwards, Emmerson, Francis, Gillespie, Humphrey, Kelly, Kitchell, Laughlin, Leary, McDonald, McGinnis, Marshall, Menard, Minshall, Munsell, Murphy of Perry, Olds, Oliver, Parkinson,

Phelps, Phillips, Reynolds, Scott, Thornton, Threlkeld, Troy, Trumbull, Turney, Wheeler, White, and Woodson—38.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Baldwin, Bennett, Bentley, Bissell, Busey, Canady, Courtright, Cunningham, Denny, Dollins, Drummond, Dunlap, Froman, Green, Hankins, Henderson, Hicks, Hull, Lester, Logan, McClernand, McClurken, McLean, Moore, Odam, Parkinson, Peck, Ross, Shepley, Webb, West, Wilson, Wood, and Mr. Speaker—36.

Mr. Kitchell moved to amend the eighth section of the bill by striking out the word "bridge," and the additional words "except bridges, which shall be double the value thereof;" which was not agreed to.

Mr. Henderson moved to amend the eighth section by adding the words "and for burning a bridge, to be punished agreeably to the criminal code," after the words "double the value thereof;" which was agreed to.

On motion of Mr. Dollins,

The twentieth section of the bill was amended by adding the following proviso:

*"Provided, always, That fines and forfeitures incurred under the provisions of this act shall be applied to the improvement of public roads, within the bounds of such road district wherein such fines and penalties may have been incurred."*

Mr. Olds moved to amend the fifth line of the fourteenth section by striking out the word "five" and inserting the word "three;" which was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bailey, Barnett, Bentley, Bissell, Brown of Sangamon, Carpenter, Cavarly, Crain, Dodge, Drummond, Edwards, Emmerson, Gridley, Hull, Humphrey, Kitchell, Laughlin, Leary, Logan, McClernand, McDonald, McGinnis, Marshall, Menard, Minshall, Moore, Munsell, Murphy of Perry, Olds, Ormsbee, Parkinson, Parsons, Peck, Phelps, Reynolds, Shepley, Thornton, Troy, Trumbull, Turney, Wheeler, White, Woodson, and Mr. Speaker—44.

Those who voted in the negative, are,

Messrs. Archer, Baldwin, Beall, Bennett, Blackman, Bradford, Busey, Canady, Charles, Cunningham, Darnielle, Dollins, Dunlap, Francis, Froman, Gillespie, Green, Hankins, Hardin, Henderson, Hicks, Lester, Lincoln, McClurken, McLean, Odam, Oliver, Phillips, Ross, Scott, Threlkeld, Waters, Webb, West, Wilson, and Wood—36.

Mr. Ross moved that the bill be recommitted to the committee on State Roads, with instructions so to amend the bill as to make supervisors elective by the people; which was not agreed to.

On motion of Mr. Woodson,

The following was added as an additional section at the end of the bill: "SEC. 36. This act shall be published immediately after its passage in the paper of the public printer."

Mr. Ormsbee demanded the previous question; which was sustained; And the bill was

*Ordered* to be engrossed for a third reading.

Mr. Webb, from the committee on the Judiciary, reported a bill for "An act relative to the times of holding circuit courts in the counties of Cham-

paign, Coles, Edgar, and Vermilion;" which was read the first time, and the second time by its title, and

*Ordered to be engrossed.*

Mr. Kitchell, from the committee on the Judiciary, to which was referred a certain resolution, reported a bill for "An act supplemental to an act amending the several acts incorporating the town of Galena," approved February 15th, 1839; which was read the first time, and

*Ordered to a second reading.*

Mr. Crain, from the committee on Enrolled Bills, reported that he had this day laid before the Council of Revision bills of the following titles:

"An act to incorporate the Union Manufacturing Company;"

"An act fixing the time of holding the circuit courts in the first Judicial Circuit;"

"An act to prevent the unlawful driving away of cattle and other stock, by drovers and others."

Mr. Peck, from the committee on Finance, to which was referred the Senate bill for "An act to regulate Foreign Insurance Company Agencies established in the State of Illinois, reported the same back to the House, with amendments; which were read and concurred in, and the bill

*Ordered to a third reading.*

Mr. Peck, from the committee on Finance, made a report, which was read; and accompanying said report were the following bills, to wit:

"An act in relation to the recording of deeds, and for other purposes;" and

"An act to license merchants, auctioneers, money brokers, and others;" which bills were severally read the first time, and the second time by their titles, respectively, and,

On motion of Mr. Trumbull,

Were laid on the table, together with the report.

Mr. Peck also, from the committee on Finance, to which was referred the bill for "An act to provide for the payment of interest on the State debt," reported the same back to the House, with amendments; which were read and concurred in, and,

On motion of Mr. Webb,

The bill was laid on the table.

Mr. Trumbull moved to print one thousand copies of the report of the committee on Finance, and one hundred and fifty copies each of the bills reported by that committee, accompanying the report, and the bill and amendments thereto for "An act to provide for the payment of interest on the State debt."

Mr. McClernand moved the printing of five thousand copies of the report; which was agreed to;

And the motion to print one hundred and fifty copies of each of the bills was agreed to.

Mr. Peck, from the committee on Finance, reported a bill for "An act concerning assessors; which was read the first time, and the second time by its title, and

*Ordered to be engrossed.*

Mr. Edwards, from the committee on Internal Improvements, to which was referred the bill for "An act to amend the act entitled 'An act to incorporate the colleges therein named,'" reported the same back to the

House, with amendments; which were read and concurred in, and the bill  
*Ordered* to be engrossed.

Mr. Munsell, from the committee on Internal Improvements, reported a bill for "An act to prevent the further sale of State bonds, except for specific purposes therein set forth;" which was read the first time, and  
*Ordered* to a second reading.

Mr. Edwards, from the committee on Internal Improvements, to which was referred the petition of Samuel Grubb, reported the same back to the House, and was discharged from the further consideration thereof, and,

On motion of Mr. Francis,

The same was referred to the committee on Claims.

Mr. Edwards, from the committee on Internal Improvements, to which was referred a bill for "An act to prevent any assessment of damages in consequence of the location of railroads, where the land has not been actually used for the construction of such railroads," reported the same back to the House, with amendments; which were read and concurred in.

On motion of Mr. Trumbull,

The bill was amended by adding at the end of the first section, as follows:

"That the act entitled "An act to amend the law in relation to change of venue," approved February 1, 1840, be, and the same is hereby repealed."

When the bill, as amended, was

*Ordered* to be engrossed.

Mr. Edwards, from the committee on Internal Improvements, to which was referred a bill for "An act to establish certain ferries therein named," reported the same back to the House and recommended its rejection, and the bill was refused to be engrossed; when,

On motion,

The House adjourned until 2 o'clock.

#### TWO O'CLOCK, P. M.

House met pursuant to adjournment.

The reports of the majority and minority of the select committee in relation to the public lands, coming up for consideration as the special order of the day,

On motion of Mr. Gillespie,

The consideration of the same was postponed until to-morrow.

Mr. Edwards, on leave, from the committee on Internal Improvements, reported a bill for "An act providing for letting the works of internal improvement to persons or companies, and for other purposes;" which was read the first and second times by its title, and

On motion of Mr. Edwards,

Was laid on the table,

And one hundred and fifty copies thereof ordered to be printed for the use of the House.

Engrossed bill for "An act creating a board of auditors to settle with contractors, was read the third time, and

Mr. Ormsbee moved to strike out the third and fourth sections:



Mr. Dodge demanded a call of the House; pending the call of the House,

Mr. Blackman, on leave, introduced a bill for "An act to authorize the erection of a mill-dam across Rector's fork of the Saline, in Gallatin county;" which was read the first and second times by its title, and

*Ordered* to be engrossed.

Mr. Bennett, on leave, introduced a bill for "An act to amend the several acts incorporating the Beardstown and Sangamon Canal Company;" which was read the first and second time by its title, and on his motion, referred to the committee on Banks and other Corporations.

Mr. Cavarly, on leave, introduced a bill for "An act for the relief of Henry Rhines and Adam Berg;" which was read the first time, and the second time by its title, and

On motion of Mr. Peck,

Referred to a select committee.

*Ordered*, That Messrs. Peck, McClernand, and Leary be said committee.

On motion of Mr. Peck,

The petition of Henry Rhines and Adam Berg was referred to the same select committee.

Mr. Denny, on leave, introduced a bill for "An act for the collection of taxes of Henderson county;" which was read the first time, and the second time by its title, and

*Ordered* to be engrossed.

Mr. Lincoln, on leave, introduced a bill for "An act supplemental to the charter of the Springfield and Alton Turnpike Company;" which was read the first time, and the second time by its title, and on his motion, referred to the committee on Internal Improvements.

Engrossed bill for "An act in relation to the school fund," was read the third time, and

On motion of Mr. Hardin,

The following was added as an additional section:

"Sec. 2. And if said collectors have not money sufficient to pay the amount due on the Auditor's warrant, then he shall pay whatever amount of money he may have in his hands, and endorse the same on said warrant."

On motion of Mr. Charles,

The following was added to the second section:

"And the receipt of the school commissioner shall be a sufficient voucher for the collector in his settlement with the Auditor."

Mr. Ormsbee moved the previous question; which was sustained.

And the bill was passed, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Baldwin, Beall, Bennett, Bentley, Bissell, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Cavarly, Carpenter, Charles, Courtright, Crain, Cunningham, Darnielle, Denny, Dodge, Dollins, Dougherty, Drummond, Dunlap, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Green, Gridley, Hankins, Hardin, Henderson, Hicks, Hull, Humphrey, Kelly, Kitchell, Laughlin, Lester, Lincoln, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Menard, Minshall, Moore, Munsell, Murphy of Perry,

Odam, Olds, Oliver, Ormsbee, Parkinson, Parsons, Peck, Phillips, Reynolds, Ross, Scott, Shepley, Thornton, Threlkeld, Troy, Trumbull, Turney, Waters, Webb, West, Wheeler, Wilson, Woodson, and Mr. Speaker—80.

Those who voted in the negative, are,  
Messrs McLean, White, and Wood—3.

*Ordered*, That the Clerk inform the Senate thereof, and ask their concurrence therein; when,

The doorkeeper having reported,

The House resumed the consideration of the bill for "An act creating a board of Auditors to settle the accounts of contractors on public works;" and

On motion of Mr. Archer,

The bill was amended by adding the following proviso to the third section,

"*Provided, further*, That no account or estimate for work done on any public work after the passage of this act shall be audited or passed upon by said board."

When the motion of Mr. Ormsbee to strike out the third and fourth sections,

Was rejected, by yeas and nays, as follows:

Those who voted in the affirmative, are;

Messrs. Baldwin, Bentley, Bissell, Blackman, Carpenter, Cavarly, Court-right, Crain, Dollins, Dougherty, Dunlap, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Lester, Logan, McClurken, McDonald, Marshall, Minshall, Moore, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Ross, Scott, Trumbull, Turney, Wheeler, White, Wilson, Woodson, and Mr. Speaker—39.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Charles, Cunningham, Darnielle, Denny, Dodge, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Green, Gridley, Hardin, Henderson, Hull, Leary, Lincoln, McGinnis, McLean, Menard, Munsell, Parkinson, Peck, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, and Wood—44.

Mr. Dollins moved to amend the bill by adding the following as an additional section:

"*SEC. —* That any person or persons herein authorized to adjust and settle on the part of the State with any contractor or contractors, who shall in any wise issue on the part of the State to any contractor, any evidence of debt as a circulating medium, (known as scrip,) or any person who may be found guilty of attempting to utter, pass, or circulate any scrip as money, purporting to be issued under the provisions of this act, the person or persons so offending, either in issuing or circulating the same, shall in all respects be liable to the pains and penalties of the 133d section of the criminal code;" which,

On motion of Mr. Gillespie,

Was laid on the table, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bissell, Blackman, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Cavarly, Charles, Cun-

ningham, Darnielle, Denny, Dodge, Dougherty, Dunlap, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Green, Gridley, Hardin, Henderson, Hull, Kelly, Leary, Lincoln, McLean, Menard, Munsell, Murphy of Perry, Parkinson, Peck, Phillips, Reynolds, Shepley, Thornton, Threlkeld, Troy, Waters, West, Webb, and Woodson—48.

Those who voted in the negative, are,

Messrs. Baldwin, Bentley, Carpenter, Courtright, Crain, Dollins, Hankins, Hicks, Humphrey, Kitchell, Laughlin, Lester, Logan, McClurken, McDonald, McGinnis, Marshall, Minshall, Moore, Odam, Olds, Oliver, Ormsbee, Parsons, Ross, Scott, Trumbull, Wheeler, White, Wilson, Wood, and Mr. Speaker—32.

Mr. Archer moved the previous question;

Which was not sustained by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Beall, Bentley, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Carpenter, Courtright, Denny, Dodge, Dunlap, Emmerson, Froman, Funk, Hankins, Humphrey, Leary, Lincoln, McGinnis, Menard, Murphy of Perry, Parsons, Peck, Reynolds, Shepley, Webb, West, Wheeler, and Mr. Speaker—32.

Those who voted in the negative, are,

Messrs. Bailey, Baldwin, Bennett, Bissell, Cavarly, Charles, Crain, Cunningham, Darnielle, Dollins, Dougherty, Edwards, Francis, Gillespie, Green, Gridley, Hardin, Hicks, Hull, Kelly, Kitchell, Laughlin, Lester, Logan, McClurken, McDonald, Marshall, Minshall, Moore, Munsell, Odam, Olds, Oliver, Ormsbee, Parkinson, Phillips, Ross, Scott, Thornton, Threlkeld, Troy, Trumbull, Waters, White, Wilson, Woodson, and Wood—47.

Mr. White moved to lay the bill on the table,

Which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Bentley, Bissell, Blackman, Cavarly, Crain, Cunningham, Dollins, Hankins, Hicks, Humphrey, Kitchell, Laughlin, Lester, Logan, McClerland, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Perry, Odam, Oliver, Ormsbee, Parsons, Ross, Scott, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—36.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Charles, Darnielle, Denny, Dodge, Dougherty, Drummond, Dunlap, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Green, Gridley, Hardin, Henderson, Hull, Leary, Lincoln, McLean, Menard, Minshall, Munsell, Olds, Parkinson, Peck, Phillips, Reynolds, Thornton, Threlkeld, Waters, Webb, West, and Woodson—13.

Mr. Dodge demanded the previous question; which motion,

On motion of Mr. Hardin,

Was laid on the table.

Mr. Hardin moved to amend the bill by adding the following as an additional section:

"SEC. 5. Said Board of Auditors shall not be authorized to issue certificates of indebtedness to an amount above one hundred and fifty thousand dollars under the provisions of this act."

Mr. Ormsbee moved to amend the amendment by adding the following proviso:

"*Provided* the nature and form of said drafts or scrip shall not in any manner conflict with the Constitution of this State and the United States;" which was not agreed to.

Mr. Trumbull moved to amend the amendment by striking out the words "and fifty" before "thousand."

Which was agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Bentley, Busey, Carpenter, Cavarly, Charles, Crain, Cunningham, Dollins, Drummond, Hankins, Hicks, Kitchell, Laughlin, Lester, Logan, McClurken, Marshall, Moore, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Ross, Scott, Threlkeld, Trumbull, Turney, Wheeler, White, Wilson, Woodson, Wood, and Mr. Speaker—35.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bissell, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Courtright, Darnielle, Denny, Dodge, Dougherty, Dunlap, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Green, Hardin, Henderson, Hull, Humphrey, Leary, Lincoln, McClernand, McDonald, McGinnis, McLean, Menard, Minshall, Munsell, Parkinson, Peck, Phillips, Reynolds, Thornton, Webb, and West—32.

When the amendment offered by Mr. Hardin, as amended, was agreed to.

On motion of Mr. Henderson,

The following was added as an additional section:

"SEC. —. That said Board are hereby required to examine the estimates of work done on the Central Railroad near Peru, by Michael Kennedy; and if they believe said estimates are made in conformity to the law, they shall issue drafts on the Fund Commissioner, in favor of said Kennedy, in sums not less than one thousand dollars, with six per cent. interest from date, till paid, for the amount of such estimates."

When the bill was passed, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Bennett, Brown of Sangamon, Brown of Vermilion, Canady, Courtright, Darnielle, Denny, Dodge, Drummond, Dunlap, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Green, Gridley, Hardin, Henderson, Hull, Humphrey, Laughlin, Leary, Lincoln, McClernand, McDonald, McGinnis, McLean, Menard, Munsell, Murphy of Cook, Parkinson, Peck, Phillips, Reynolds, Scott, Thornton, Threlkeld, Troy, Waters, Webb, and West—46.

Those who voted in the negative, are,

Messrs. Baldwin, Bentley, Bissell, Bradford, Busey, Carpenter, Cavarly, Charles, Crain, Cunningham, Dollins, Hankins, Hicks, Kitchell, Lester, Logan, McClurken, Marshall, Minshall, Moore, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Ross, Trumbull, Turney, Wheeler, White, Wilson, Woodson, Wood, and Mr. Speaker—34.

Mr. Ormsbee moved to amend the title of the bill by adding the words "and for issuing scrip;" which motion,

On motion of Mr. Gillespie,

Was laid on the table.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Senate bill for "An act to locate permanently the seat of justice of Logan county," was read the first and second times by its title, and

*Ordered* to a third reading.

On motion of Mr. Gillespie,

The bill for "An act in relation to the penitentiary," was taken up, and committed to a committee of the Whole House, and made the special order of the day for Monday next.

Engrossed bill for "An act to provide for the collection of taxes for the year 1839, in Cass county," was read the third time, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Engrossed bill for "An act to create the county of Grundy, from the county of La Salle," was read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

The bill for "An act for the relief of Stephen Row, of Shelby county," was read the second time, and

On motion of Mr. Ross,

Referred to the committee on Public Accounts and Expenditures.

The bill for "An act to create the county of Athens," was read the second time, and

On motion of Mr. Bennett,

Referred to a select committee.

*Ordered*, That Messrs. Bennett, Francis, and Parsons be said committee.

The bill for "An act for the better regulation of the county commissioner's courts in the several counties in this State," was read the second time, and

On motion of Mr. Cunningham,

Referred to a select committee.

*Ordered*, That Messrs. Cunningham, Busey, and Wilson be said committee.

The bill for "An act to increase the State directory in the State Bank of Illinois," was read the second time, and

Mr. Trumbull moved to commit the bill to the committee of the Whole House; which was not agreed to; when,

On motion of Mr. Dodge,

The bill was informally laid aside.

A message from the Council of Revision, by Mr. Purinton, Clerk of the Council:

*Mr. Speaker*: I am directed by the Council of Revision to inform the House of Representatives that on Wednesday, 3d inst. they approved bills of the following titles, viz:

"The act fixing the time of holding circuit courts in the first Judicial Circuit;"

"An act to prevent the unlawful driving away of cattle and other stock by drovers and others;"

"An act to incorporate the Union Manufacturing Company."

A message from the Governor, by Mr. Ames:

*Mr. Speaker*: I am directed by the Governor to lay before the House of Representatives a written communication.

Engrossed bill for "An act for the relief of J. D. Morrison," was read the third time, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Engrossed bill for "An act to extend the location of the Darwin and Charleston Turnpike, from Charleston to Springfield," was read the third time, and

On motion of Mr. Archer,

The bill was amended by striking out "by Mount Auburn" in the first section of the bill, and the word "Christian" in the last section; when the bill was passed, as amended.

*Ordered*, That the Clerk inform the Senate thereof, and ask their concurrence therein; when,

On motion,

The House adjourned.

### FRIDAY, FEBRUARY 5, 1841.

House met pursuant to adjournment.

Mr. Drummond presented the petition of citizens of Lee county, for the completion of the portion of the Central Railroad between Rock river and Illinois river; which was read, and on his motion, laid on the table.

Mr. Kitchell presented the petition and remonstrance of citizens of Montgomery, Fayette, Shelby, and Christian counties, in relation to a new county; which, without reading, on his motion, was referred to the committee on Counties.

Mr. Ormsbee presented the petition of citizens of Scott county, in relation to a State road; which, without reading, on his motion, was referred to the committee on State Roads.

Mr. Denny presented the petition of citizens of Henry county for a division of said county; which, without reading, on his motion, was referred to the committee on Counties.

Mr. Henderson presented the petition and remonstrance of citizens of Stark county, in relation to adjacent territory; which, without reading, on his motion, was referred to the committee on Counties.

Mr. Gridley presented the petition and remonstrance of citizens of McLean county, in relation to a division of said county; which, without reading, on his motion, was referred to the committee on counties.

Mr. Murphy of Cook, presented the proceedings of a public meeting of the citizens of Chicago, in relation to the internal improvement system, &c.; which was read, and on his motion, referred to the committee on Finance.

Mr. Murphy of Perry, presented the petition of citizens of Perry county, for a change in a State road; which, without reading, on his motion, was referred to a select committee.

*Ordered*, That Messrs. Murphy of Perry, Odam, and McGinnis be said committee.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives, that they have passed bills of the following titles:

"An act to authorize the county commissioners of Rock Island and Stephenson counties to collect the tax of 1839;"

"An act to provide for settlers on lands purchased by the State;"

"An act changing a part of the State road therein named;"

"An act to authorize the supervisor of the village of Cahokia to lease part of the commons appertaining to said village;"

"An act supplementary to an act to incorporate the Des Moines Rapids Railroad Company;"

"An act to amend an act entitled 'An act to authorize Daniel F. Hitt to build a mill-dam;'"

"An act to incorporate the town of Petersburg;"

"An act to incorporate the Springfield Marine and Fire Insurance Company;"

"An act regulating the sale of property."

In the passage of which they ask the concurrence of the House of Representatives.

They have concurred with the House of Representatives in the passage of a bill for "An act to incorporate the Marion Academy in Williamson county."

They have also concurred with the House of Representatives in the passage of bills of the following titles, to wit:

"An act to locate, alter, and relocate certain State roads;"

"An act to provide for draining mill-dams in the Mackinaw creek;"

"An act in relation to free negroes and mulattoes;" as amended by them.

In which amendments they ask the concurrence of the House of Representatives.

Mr. Lincoln presented the remonstrance of citizens of Sangamon county, against the erection of a mill-dam across Sangamon river; which, without reading, on his motion, was referred to the same select committee to which was referred petitions on the same subject.

Mr. Hardin presented the petition of citizens of Morgan county, in relation to a line between Morgan and Cass counties; which was read, and on his motion, referred to the same select committee to which was referred a bill on the same subject.

Mr. Turney offered for adoption the following rule:

"**RULE —** That hereafter, whenever a call of the House is had, the absentees shall be noted and entered on the journal."

Which was agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bailey, Baldwin, Bennett, Bentley, Blackman, Bradford, Brown of Sangamon, Busey, Canady, Charles, Courtright, Crain, Cunningham, Denny, Dollins, Drummond, Dunlap, Emerson, Froman, Funk, Green, Henderson, Kitchell, Laughlin, Leary, Lester, Logan, McClurken, McGinnis, Marshall, Minshall, Moore, Munsell, Murphy of Perry, Olds, Ormsbee, Parsons, Peck, Phelps, Phillips, Reynolds, Ross, Scott, Threlkeld, Troy, Trumbull, Turney, Waters, West, Wheeler, White, Wilson, Woodson, and Mr. Speaker—54.

Those who voted in the negative, are,

Messrs. Barnett, Carpenter, Cox, Darnielle, Francis, Gridley, Hardin, Lincoln, McDonald, Murphy of Cook, Odam, Parkinson, Shepley, and Wood—14.

Mr. Murphy of Perry, from the committee on Education, to which was referred the Senate bill for "An act to incorporate the Bond county Academy," reported the same back to the House without amendment, and the bill was

*Ordered* to a third reading.

Mr. Parsons, from the committee on Education, to which was referred the Senate bill for "An act to incorporate the Payson Academy," reported the same back to the House without amendment, and the bill was

*Ordered* to a third reading.

Mr. Murphy of Perry, from the committee on Education, to which was referred the Senate bill for "An act making provisions for organizing and maintaining common schools," reported the same back to the House without amendment; and

Mr. Ross moved to lay the bill on the table, and print for the use of the House.

Mr. Hardin demanded a division of the question; and the question being on laying the bill on the table,

It was decided in the negative.

And the bill was

*Ordered* to be read the third time.

Mr. Denny, from the committee on Agriculture and Manufactures, to which was referred the petition of M. L. Knapp, made a report thereon, unfavorable to the prayer of the petitioner, which was read and concurred in and the committee discharged from the further consideration of the petition.

Mr. Brown of Sangamon, from the committee on Agriculture and Manufactures, to which was referred the bill for "An act to incorporate the Morgan Agricultural and Stock Association," reported the same back to the House with an amendment as a substitute; which was read, and

On motion of Mr. Cox,

The first section of the report was amended by striking out the word "William" before "Hamilton," and inserting the word "Benjamin;" when the report as amended was concurred in, and the bill

*Ordered* to be engrossed.

Mr. Brown of Sangamon, from the committee on Agriculture and Manufactures, reported a bill for "An act permanently establishing the compensation of the members and officers of the General Assembly of the State of Illinois;" which was read the first time, and

On motion of Mr. Logan,

Laid on the table, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Barnett, Bentley, Bissell, Carpenter, Courtright, Emerson, Green, Hankins, Hardin, Henderson, Hicks, Hull, Humphrey, Leary, Logan, McDonald, McGinnis, Marshall, Menard, Minshall, Moore, Murphy of Cook, Odam, Olds, Oliver, Ormsbee, Peck, Phelps, Scott, Shepley, Thornton, Troy, Waters, Webb, West, White, Wilson, Wood, and Mr. Speaker—39.



Those who voted in the negative, are,

Messrs. Bailey, Baldwin, Beall, Bennett, Blackman, Bradford, Brown of Sangamon, Busey, Canady, Cox, Cunningham, Darnielle, Denny, Drummond, Francis, Froman, Funk, Gridley, Kitchell, Laughlin, Lester, Lincoln, McClurken, McLean, Munsell, Murphy of Perry, Parsons, Phillips, Reynolds, Ross, Threlkeld, Trumbull, Turney, Wheeler, Wilson, and Woodson—36.

Mr. Archer, from the committee on State Roads, to which was referred the bill for "An act to authorize sale of streets in Hillsboro," reported the same back to the House with an amendment; which was read and concurred in, and the bill

*Ordered to be engrossed.*

Mr. Archer, from the committee on State Roads, reported a bill for "An act to establish a turnpike road from Springfield, via Beardstown, to Quincy, and from Beardstown to Warsaw;" which was read the first time, and the second time by its title, and

On motion of Mr. Laughlin,

Referred to a select committee of five.

*Ordered,* That Messrs. Laughlin, Charles, West, Minshall, and Lester be said committee.

Mr. Murphy of Cook, from the committee on Banks and other Corporations, to which was referred a bill for "An act to incorporate the Peoria Marine and Fire Insurance Company," reported the same back to the House with an amendment; which was read, and

*Ordered to be engrossed.*

Mr. Phelps demanded a call of the House, and the roll having been called over, it appeared that the following members were absent, to wit:

Messrs. Brown of Vermilion, Cavarly, Dunlap, Gillespie, Lincoln, McClermand, and White—7.

When,

On motion of Mr. Ormsbee,

Further proceedings under the call of the House were dispensed with.

And the House refused to concur with the committee in their amendment, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Barnett, Bentley, Bissell, Blackman, Courtright, Crain, Dodge, Dollins, Hankins, Hicks, Humphrey, Kitchell, Laughlin, Leary, Lester, McClermand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Odam, Olds, Oliver, Parsons, Peck, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, Wilson, Wood, and Mr. Speaker—37.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Busey, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Green, Gridley, Hardin, Henderson, Hull, Lincoln, Logan, McLean, Menard, Minshall, Munsell, Murphy of Perry, Ormsbee, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, and Woodson—44.

On motion of Mr. Parsons,

The following was added as an additional section:

"SEC. 5. The General Assembly of this State reserves the right to alter, amend, or repeal this act whenever the public good may require it;" when the bill was

*Ordered* to be engrossed.

Mr. Murphy of Cook, from the committee on Banks and other Corporations, reported a bill for "An act to compel the school commissioner of Cook county to pay over certain monies to the school commissioners of Will, Du Page, McHenry and Lake counties;" which was read the first time, and the second and third times by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Bissell, from the committee on Banks and Corporations, to which was referred the Senate bill for "An act to amend an act, entitled 'An act to incorporate the town of Kaskaskia,'" approved January 6, 1818, reported the same back to the House with an amendment; which was read, and concurred in, and the bill

*Ordered* to a third reading.

Mr. Murphy of Cook, from the committee on Banks and other Corporations, reported a bill for "An act to legalize certain proceedings of the inhabitants and trustees of schools, for township 35 north, range 10 east, in Will county;" which was read the first time, and the second time by its title, and

*Ordered* to be engrossed.

Mr. Murphy of Cook, from the same committee to which was referred the Senate bill for "An act to incorporate the Schuyler City Manufacturing Company," reported the same back to the House without amendment, and the bill was

*Ordered* to a third reading.

Mr. Murphy of Cook, from the committee on Banks and other Corporations, to which was referred the petition of Schuyler Strong, reported a bill for "An act to incorporate the Springfield Insurance Company;" which was read the first time, and the second time by its title, and

*Ordered* to be engrossed.

Mr. Murphy of Cook, from the committee on Banks and Corporations, to which was referred the bill for "An act in relation to an act to incorporate the Exeter Manufacturing Company," approved March 1, 1839, reported the same back to the House with an amendment; which was read and concurred in, and the bill was

*Ordered* to be engrossed.

Mr. Wood, from the committee on Salines, to which was referred the petition of John L. Webb and Thomas L. Thruston, reported a bill for "An act to incorporate the Warren county Road and Ferry Company;" which was read the first time, and the second time by its title, and

On motion of Mr. Denny,

Referred to a select committee.

*Ordered*, That Messrs. Logan, Denny, and Wood, be said committee.

Mr. Green, from the select committee to which was referred certain petitions, reported a bill for "An act for the formation of the county of Richland;" which was read the first time, and the second time by its title, and

*Ordered* to be engrossed.

Mr. Carpenter, from the select committee to which was referred the bill for "An act to authorize the trustees of Shawneetown to construct a Macadamized road," reported the same back to the House with amendments; which were read and concurred in, and

On motion of Mr. Blackman,

The following was added as an additional section:

"SEC. 5. That in order to carry into effect the provisions of this act, it shall be the duty of the said trustees to keep an accurate account of the cost of the construction of said road, and after the completion of the same or any part thereof, to keep an accurate account of all tolls received, as well as the expenses of said road; the said trustees shall also be required to make an accurate report to the county commissioners' court, at their March term annually, of all expenses incurred, and tolls received in said year;" when the bill was

*Ordered* to be engrossed.

Mr. West, from the select committee to which was referred the bill for "An act concerning Cass county," reported the same back to the House with an amendment as a substitute; which was read.

Mr. Ross moved the reference to the committee on the Judiciary.

Which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bailey, Baldwin, Barnett, Bissell, Blackman, Busey, Courtright, Crain, Dodge, Dollins, Dougherty, Green, Hankins, Humphrey, Laughlin, Lester, McClernand, McClurken, McDonald, McGinnis, Marshall, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Ross, Shepley, Troy, Trumbull, Turney, White, Wilson, Wood, and Mr. Speaker—38.

Those who voted in the negative, are,

Messrs. Archer, Beall, Bennett, Bentley, Bradford, Brown of Sangamon, Canady, Carpenter, Charles, Cox, Cunningham, Darnielle, Denny, Drummond, Dunlap, Edwards, Emmerson, Francis, Froman, Funk, Gridley, Hardin, Henderson, Hull, Lincoln, McLean, Menard, Minshall, Moore, Munsell, Phelps, Phillips, Reynolds, Scott, Thornton, Threlkeld, Waters, Webb, West, Wheeler, and Woodson—41.

Mr. McClernand moved that the bill and amendment be referred to the committee on Counties, and then demanded a call of the House; and the roll having been called over, it appeared that Messrs. Cavarly, Dougherty, Gillespie, Hicks, Logan, and Marshall were absent; when,

On motion of Mr. Henderson,

Further proceedings under the call of the House were dispensed with, and

Mr. McClernand moved the House adjourn.

Which was agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bennett, Bentley, Busey, Carpenter, Courtright, Crain, Darnielle, Dodge, Dollins, Dougherty, Drummond, Dunlap, Edwards, Hankins, Hardin, Humphrey, Laughlin, Lester, McClernand, McClurken, McDonald, McGinnis, McLean, Marshall, Minshall, Murphy of Cook, Murphy of Perry, Odam, Oliver, Ormsbee, Parsons, Peck, Shepley, Threlkeld, Turney, Waters, Webb, Wheeler, White, Wood, and Mr. Speaker—41.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Baldwin, Beall, Bissell, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Denny, Emmerson, Francis, Froman, Funk, Green, Gridley, Henderson, Hull, Leary, Lincoln, Menard, Moore, Munsell, Phelps, Phillips, Reynolds, Ross, Thornton, Troy, Trumbull, West, Wilson, and Woodson—37.

When, on motion,

The House adjourned.

### SATURDAY, FEBRUARY 6, 1841.

House met pursuant to adjournment.

Mr. Kitchell presented the petition of citizens of Shelby county in relation to a State road; which, without reading, on his motion, was referred to the committee on State Roads.

Mr. Olds presented the petition of citizens of Macoupin county in relation to a State road; which, without reading, on his motion, was referred to the committee on State Roads.

Mr. Crain, from the committee on Engrossed Bills, reported as correctly engrossed, bills of the following titles:

"An act to prevent any assessment of damages in consequence of the location of railroads, where the land has not been actually used for the construction of such railroads;"

"An act to authorize the erection of a mill-dam across Rector's fork of Saline river, in Gallatin county;"

"An act to locate the county seat of Stark;"

"An act concerning assessors;"

"An act authorizing Henry Hand to keep a ferry across Rock river;"

"An act in relation to mill-dams on Big Muddy, in Jasper and Clay counties;"

"An act concerning public roads."

Mr. Edwards, from the committee on Internal Improvements, to which was referred the Senate bill for "An act to amend the several acts to extend the corporate powers of the town of Peoria," reported the same back to the House, with amendments; which were read and concurred in, and the bill, as amended,

*Ordered* to a third reading.

Mr. Edwards, from the committee on Internal Improvements, to which was referred the bill for "An act supplemental to the charter of the Springfield and Alton Turnpike Road Company," reported the same back to the House, with amendments; which were read and concurred in, and

Mr. Dougherty moved the reference of the bill to the committee on Finance; which was agreed to.

Mr. Munsell offered for adoption the following order:

"*Ordered*, That the supplemental bill for the suspension of the operations of the Judiciary act, for the reorganization of the Judiciary of Illinois, shall be the standing order of the day for this House for 2 o'clock until said supplemental bill is disposed of, and that it shall have the precedent of all other bills."

Mr. Olds demanded a call of the House.

And the roll having been called over, it appeared that the following members were absent:

Messrs. Brown of Vermilion and McLean; when,

On motion,

Further proceedings under the call of the House were dispensed with, And the question being on the adoption of the order offered by Mr Munsell,

Mr. Trumbull moved to lay the same on the table; which was agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Barnett, Bentley, Bissell, Blackman, Busey, Carpenter, Courtright, Crain, Dodge, Dollins, Dougherty, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kitchell, Laughlin, Leary, Lester, Logan, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, Wilson, Wood, and Mr. Speaker—45.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Brown of Sangamon, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Drummond, Edwards, Emerson, Francis, Froman, Funk, Gillespie, Gridley, Harwin, Henderson, Hull, Lincoln, Menard, Minshall, Munsell, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, and Woodson—35.

Mr. Brown of Sangamon, from the committee on Agriculture and Manufactures, to which was referred a petition of the inhabitants of Knox, Peoria, and Fulton counties, in relation to breeds of cattle, reported the same back to the House, and was discharged from the further consideration of the same.

Mr. Huli, from the committee on Counties, to which was referred the bill for "An act for the formation of the county of Woodford," reported the same back to the House, with amendments; which were read and concurred in, and the bill was

*Ordered* to be engrossed.

Mr. Carpenter, from the committee on Counties, to which was referred the petition and remonstrances of citizens of McHenry county, in relation to the relocation of the county seat, reported the same back to the House, and was discharged from the further consideration of the same.

Mr. Carpenter, from the committee on Counties, to which was referred the petition and remonstrances of citizens of Hancock, Adams, McDonough, and Schuyler counties, in relation to the formation of a new county, reported the same back to the House, and was discharged from the further consideration thereof; and,

On motion of Mr. Charles,

Leave was given him to withdraw the same.

Mr. Murphy of Cook, from the committee on Banks and other Corporations, to which was referred the bill for "An act to incorporate the town of Rock Island, in Rock Island county," reported the same back to the House, with amendments; which were read and concurred in, and the bill

*Ordered* to be engrossed.

Mr. Bissell, from the committee on Banks and other Corporations, to which was referred the bill for "An act incorporating the Mississippi

Bridge Company," reported the same back to the House, with amendments; which were read and concurred in, and the bill was

*Ordered* to be engrossed.

Mr. Murphy of Cook, from the committee on Banks and other Corporations, to which was referred the bill for "An act to incorporate the Phoenix Insurance Company, reported the same back to the House, with amendments; which were read and concurred in, and the bill

*Ordered* to be engrossed.

Mr. Murphy of Cook, from the committee on Banks and other Corporations, to which was referred the Senate bill for "An act to incorporate the Western Marine and Fire Insurance Company," reported the same back to the House, with amendments; which were read and concurred in, and the bill

*Ordered* to a third reading.

Mr. Murphy of Cook, from the committee on Banks and other Corporations, to which was referred the bill for "An act to amend the several acts incorporating the Beardstown and Sangamon Canal Company," reported the same back to the House, without amendment, and the bill was

*Ordered* to be engrossed.

Mr. Logan, on leave, introduced a bill for "An act to incorporate the Illinois Grand Tower Company, for the manufacture of iron and for other purposes;" which was read the first time, and the second time by its title, and,

On motion of Mr. Logan,

Referred to a select committee.

*Ordered*, That Messrs. Logan, Dougherty, and Murphy of Perry be said committee.

The bill for "An act concerning Cass county," coming up for consideration, and the question being on the motion pending when the House adjourned yesterday, to refer the bill to the committee on Counties,

It was agreed to, and the bill referred to that committee.

The engrossed bill for "An act concerning public roads," was taken up for consideration, read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Wheeler offered for adoption the following preamble and resolution:

"Whereas, owing to the embarrassed situation of the people, it becomes the duty of this Legislature to curtail, as much as possible, the expenditures of the suitors, by reducing the fees of the clerks of the circuit courts; therefore,

*Resolved*, That the committee on the Judiciary be instructed to enquire into the expediency of reducing the fees of the clerks of the circuit courts, and that said committee be instructed to report by bill or otherwise:

"And whereas, it is the opinion of this Legislature that it is doing violence to the feelings of many of our good citizens, to strip the debtor of all his goods, because he should be so unfortunate as not to be able to pay his debts, thereby beggaring his wife and children; therefore,

*Resolved*, That the committee on the Judiciary be instructed to enquire into the expediency of a law exempting certain articles from execution; that is to say, provided, the defendant be the head of a family, to

leave with him two horses and harness, one plough, one yoke of oxen, one wagon, ox-cart, two cows, his household furniture, and five sheep, and that they report by bill or otherwise."

On motion of Mr. Trumbull,

The preamble and resolutions were laid on the table.

A message from the Governor, by Mr. Douglass, Secretary of State:

*Mr. Speaker:* I am directed by the Governor to lay before the House of Representatives a written communication.

Mr. Phelps offered for adoption the following preamble and resolution:

"Whereas, debts have been contracted, under the authority of the General Assembly, in the prosecution of our public works; and whereas the poor laborers on those works have been compelled, for want of other means of payment, to receive their pay in scrip, which has depreciated on their hands; and whereas such scrip has, in many instances, remained unpaid for more than one year, and no provision is yet made, or likely to be made, for its redemption; and whereas the General Assembly alone can provide for its payment; therefore,

*"Resolved,* That the members of this General Assembly shall not receive any compensation for their services until all the scrip issued by or under the authority of this State shall have been redeemed."

Mr. Bissell moved to lay the preamble and resolution on the table; which was agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Baldwin, Barnett, Beall, Bennett, Bissell, Blackman, Bradford, Busey, Carpenter, Charles, Courtright, Cox, Crain, Denny, Dodge, Dollins, Dougherty, Drummond, Dunlap, Edwards, Emerson, Francis, Green, Hankins, Hardin, Henderson, Hicks, Hull, Humphrey, Kitchell, Laughlin, Leary, Lester, Logan, McClurken, McDonald, McGinnis, Marshall, Minshall, Moore, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Phillips, Reynolds, Ross, Scott, Shepley, Thornton, Threlkeld, Troy, Trumbull, Turney, Waters, Webb, West, Wheeler, Wilson, Wood, and Mr. Speaker—66.

Those who voted in the negative, are,

Messrs. Brown of Sangamon, Canady, Cunningham, Darnielle, Froman, Funk, Gillespie, McLean, Menard, Munsell, Murphy of Cook, Phelps, and Woodson—13.

The Speaker laid before the House a communication from the President of the State Bank of Illinois; which was read, and,

On motion of Mr. Peck,

Referred to the committee on Banks and other Corporations.

Mr. Hardin offered for adoption the following resolution:

*"Resolved,* That the committee on Finance be instructed to prepare and report to this House a bill directing the Fund Commissioner to give State bonds for internal improvement and canal scrip, where the holders of the same shall desire it.

Mr. Dougherty moved to lay the resolution on the table; which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Barnett, Courtright, Crain, Cunningham, Dodge, Dollins, Dougherty, Hankins, Humphrey, Kitchell, Lester, Marshall, Murphy of Perry,

Odam, Oliver, Scott, Trumbull, Turney, Wheeler, and Wood—20.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Baldwin, Beall, Bennett, Bentley, Bissell, Blackman, Bradford, Brown of Sangamon, Canady, Carpenter, Charles, Cox, Darnielle, Denny, Drummond, Dunlap, Edwards, Emmerson, Francis, Froman, Gillespie, Green, Gridley, Hardin, Henderson, Hicks, Hull, Laughlin, Leary, Lincoln, Logan, McClurken, McDonald, McGinnis, McLean, Menard, Minshall, Moore, Munsell, Murphy of Cook, Olds, Ormsbee, Parsons, Peck, Phelps, Phillips, Reynolds, Ross, Shepley, Thornton, Threikeld, Troy, Waters, Webb, West, Wilson, Woodson, and Mr. Speaker—60.

Mr. Wheeler moved to amend the resolution by inserting after the word "finance," "be instructed to enquire into the expediency of reporting a bill or;" which amendment was not agreed to.

Mr. Trumbull moved to amend by inserting after the word "scrip," "when the same shall be in the hands of the person to whom it was originally issued."

On motion of Mr. Ormsbee,

The resolution and amendments were laid on the table.

Mr. Dougherty, on leave, introduced a bill for "An act to complete the Central Railroad;" which was read the first time, and,

On motion of Mr. Trumbull,

That the further consideration of the bill be indefinitely postponed,  
The House adjourned to 2 o'clock, P. M.

#### TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Parsons demanded a call of the House; and the roll having been called over, it appeared the following members were absent:

Messrs. Bentley, Bissell, Brown of Sangamon, Brown of Vermilion, Darnielle, Denny, Dodge, Dougherty, Gridley, Hankins, Hardin, Henderson, Hull, Humphrey, McDonald, McLean, Menard, Olds, Oliver, Peck, Phelps, Scott, Shepley, and Webb;

And pending the call,

Mr. Archer, from the committee on State Roads, to which was referred the bill for "An act to establish a ferry on the Mississippi river, in Pike county, reported the same back to the House without amendment, and the bill was

*Ordered to be engrossed.*

Mr. Charles, from the select committee, to which was referred the bill for "An act to establish a turnpike road from Springfield, via Beardstown to Quincy, and from Beardstown to Warsaw," reported the same back to the House without amendment; when the bill was

*Ordered to be engrossed.*

Mr. Crain, from the committee on Engrossed Bills, reported as correctly engrossed, bills of the following titles:



"An act creating an additional justice of the peace and constable in Cherry Grove precinct, in Knox county;"

"An act to amend an act to incorporate the colleges therein named;"

"An act to incorporate the Salem Steam Mill Company;"

"An act to provide for the appointment of another Commissioner to view a State road;"

"An act authorizing David and Samuel Mitchell to establish a ferry across the Mississippi river, at Albany, in Whiteside county;"

"An act to vacate the plat of the town of Iowa, in Perry county."

Mr. Gillespie, on leave, introduced a bill for "An act to locate a State road in Bond, Madison, and St. Clair counties; which was read the first time, and the second and third times by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Leary, on leave, introduced a bill for "An act to locate a State road;" which was read the first time, and the second time by its title, and

Mr. Ross moved to refer the bill to the committee on State Roads; which was not agreed to, and,

On motion of Mr. Leary,

The bill was referred to a select committee.

*Ordered*, That Messrs. Leary, Peck, and Reynolds be said committee.

Mr. Drummond, on leave, introduced a bill for "An act authorizing Stephen Mack to build a bridge across Rock river;" which was read the first and second times by its title, and,

On motion of Mr. Ormsbee,

Referred to the committee on State Roads.

Mr. Baldwin moved for adoption the following resolution:

*Resolved*, That the President of the State Bank of Illinois be requested to inform this House what real estate compose the item of \$471,995 46 in the report of that institution made on the 1st day of December last, the kind thereof, where situated, and the value of each piece of real property; and also inform this House how the said real estate has increased in value to the sum of \$473,422 75, as shown by the report of the Bank made on the 16th inst.; and also, to inform this House of the prospect of collecting the suspended debt, of \$662,811 84, and whether real estate has not been taken as security for such debt, or some part thereof; and whether such real estate, if taken as such security, is not a part of the item of real estate mentioned in their said reports made on the 1st and 16th December last; which was agreed to.

On motion of Mr. Murphy of Cook,

*Resolved by the House of Representatives, the Senate concurring herein*, That a joint select committee of one from the Senate, and two from the House, be appointed, to memorialize Congress to establish a Marine Hospital at Chicago.

Mr. Waters, on leave, introduced a bill for "An act to create the county of Radiation;" which was read the first and second times by its title; and

Mr. Oliver moved the indefinite postponement of the bill; when,

The Doorkeeper having reported,

And the bill for "An act to increase the State Directory in the State Bank of Illinois," was taken up; when

Mr. Ross moved to amend the second section of the bill by striking out "three dollars," and inserting "two dollars."

Mr. Murphy of Cook demanded a call of the House; and the roll having been called over,

It appeared that all were present except the sick and those who had leave of absence.

On motion of Mr. Woodson,

Further proceedings under the call of the House were dispensed with.

Mr. Murphy of Perry moved to strike out "three dollars," the compensation of Directors.

Mr. Trumbull moved to lay the proposed amendments on the table.

Mr. Logan moved the indefinite postponement of the bill.

And the motion to lay the proposed amendments on the table, was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Barnett, Bentley, Bissell, Blackman, Busey, Carpenter, Courtright, Crain, Dollins, Dunlap, Hankins, Henderson, Humphrey, Kitchell, Laughlin, Lester, Lincoln, McClernand, McClurken, Moore, Murphy of Cook, Olds, Oliver, Ormsbee, Parsons, Peck, Ross, Scott, Trumbull, Turney, Webb, and Wheeler—32.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Canady, Charles, Cox, Cunningham, Denny, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Green, Gridley, Hicks, Hull, Leary, Logan, McClernand, McDonald, McGinnis, Marshall, Menard, Minshall, Munsell, Murphy of Perry, Odam, Phelps, Phillips, Reynolds, Ross, Shepley, Thornton, Threlkeld, Waters, Wilson, Woodson, Wood, and Mr. Speaker—43.

When the amendment proposed by Mr. Murphy of Perry to strike out three dollars as the compensation to Directors, was agreed to.

Mr. Parsons moved fill the blank with two dollars and fifty cents; which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Barnett, Bissell, Blackman, Busey, Crain, Dollins, Dunlap, Humphrey, Kitchell, Lester, McClernand, McClurken, McGinnis, Marshall, Moore, Murphy of Cook, Olds, Oliver, Ormsbee, Parsons, Peck, Scott, Trumbull, Turney, Wheeler, and Wood—27.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bentley, Bradford, Canady, Carpenter, Charles, Courtright, Cox, Cunningham, Denny, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Green, Gridley, Hankins, Henderson, Hicks, Hull, Laughlin, Leary, Lincoln, Logan, McDonald, Menard, Minshall, Munsell, Murphy of Perry, Odam, Phelps, Phillips, Reynolds, Ross, Shepley, Thornton, Threlkeld, Waters, Webb, Wilson, Woodson, and Mr. Speaker—48.

Mr. Ross moved to fill the blank with two dollars; which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Bissell, Blackman, Carpenter, Courtright, Crain, Dollins, Dunlap, Hankins, Humphrey, Kitchell, Leary, Lester, McClernand, McGinnis, Marshall, Moore, Murphy of Cook, Olds, Oliver, Ormsbee, Parsons, Peck, Phillips, Reynolds, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, Wilson, and Wood—33.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Barnett, Beall, Bennett, Bentley, Bradford, Busey, Canady, Charles, Cox, Cunningham, Denny, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Green, Gridley, Henderson, Hicks, Hull, Laughlin, Lincoln, Logan, McDonald, Menard, Minshall, Munsell, Murphy of Perry, Odam, Phelps, Thornton, Threlkeld, Webb, Woodson, and Mr. Speaker.—40.

And the motion to indefinitely postpone the bill was agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Busey, Canady, Carpenter, Charles, Courtright, Cox, Cunningham, Denny, Dodge, Dougherty, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Green, Gridley, Henderson, Hull, Humphrey, Lincoln, Logan, Menard, Minshall, Munsell, Murphy of Perry, Odam, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Webb, Woodson, and Mr. Speaker.—41.

Those who voted in the negative, are,

Messrs. Baldwin, Barnett, Bissell, Blackman, Crain, Dollins, Dunlap, Hinkins, Hicks, Kitchell, Laughlin, Leary, Lester, McClelland, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Olds, Oliver, Ormsbee, Parsons, Peck, Ross, Scott, Shepley, Trumbull, Turney, Waeeler, Wilson, and Wood.—34.

On motion of Mr. Parsons,

The House reconsidered the vote taken some days since, on concurring in the amendments of the select committee to the Senate bill for "An act authorizing an additional justice of the peace and constable in the town of Florence, in Pike county;"

And the question being put on agreeing with the committee in their amendment to the bill,

It was not agreed to.

The engrossed bill for "An act to locate the county seat of Stark," was read the third time, and,

On motion of Mr. Henderson,

Laid on the table.

The engrossed bill for "An act to provide for the election of a Public Binder," was read the third time, and,

On motion of Mr. Ormsbee,

Referred to a select committee.

*Ordered*, That Messrs. Ormsbee, Trumbull, and Dollins be said committee.

The engrossed bill for "An act to relocate the county seat of Lake county," was read the third time, and,

On motion of Mr. Murphy of Cook,

The fifth section of the bill was amended by striking out the word "eighty" and inserting "forty," when the bill was passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Engrossed bills of the following titles were severally read the third time, and passed:

"An act changing the name of the town of Chatham, in Whiteside county;"

"An act concerning the revenue in Bond county;"

"An act for the relief of James McKee;"

"An act in relation to summoning witnesses;"

"An act to authorize the building of a toll draw-bridge across the Calumet river;"

"An act making compensation to John L. Heffington and others, for the apprehension of Aaron and William Todd;"

"An act to authorize the County Commissioners of Brown county to appoint an assessor;"

"An act to authorize James M. Strode to build a mill-dam across Fox river;"

"An act authorizing the proprietors of Metropolis City, in the county of Johnson, to alter the plat thereof."

*Ordered*, That the titles be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

The engrossed bill for "An act to exempt certain articles from execution," was read the third time; and

Mr. Parsons moved to amend the bill by adding the following as an additional section:

"In all cases where distress shall be made for rent, before any sale shall be made of the property distrained, it shall be the duty of the party distraining to have the defendant summoned before the circuit court or justice of the peace, and then and there to prove his demand as in other cases. Justices of the peace shall have jurisdiction in cases under this act to the amount of one hundred dollars, and in case the defendant shall have absconded or moved from the State, then notice shall be given before a justice of the peace, or the circuit court, as in cases of attachment."

Mr. Trumbull moved to amend the amendment by adding the following as an additional section:

"That the same articles of property exempted from execution by this act, or the act to which this is an amendment, shall also be exempted from being taken by distress for rent;" which was agreed to;

And the amendment, as amended, was agreed to.

Mr. Wheeler moved to strike out the word "June," in the proviso to the bill, and insert "April;" which was not agreed to.

On motion of Mr. Carpenter,

The proviso to the second section of the bill was stricken out; when the bill, as amended, was

*Ordered* to be re-engrossed.

The engrossed bill for "An act for the relief of Nathan Low," was read the third time, and,

On motion of Mr. Dougherty,

Referred to a select committee.

*Ordered*, That Messrs. Dougherty, Murphy of Perry, and Carpenter be said committee.

The engrossed bill for "An act to amend an act relative to criminal jurisprudence," was read the third time.

Mr. Trumbull moved to amend the bill by inserting after the word "and" in the third section, and the third line from the bottom, the words "unless he shall vote more than once at the same election;" which was agreed to.

Mr. Dougherty moved to amend the bill by adding the following proviso:

"*And provided also*, That any person who shall be the head of a family,

and residing in this State with his family, shall not be confined in the penitentiary under this act;" which was not agreed to.

Mr. Cunningham moved to amend the bill by striking out all that relates to punishment by confinement in the penitentiary, and insert the words "shall be fined not less than ten nor more than one hundred dollars;" which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bentley, Bradford, Busey, Canady, Cox, Cunningham, Denny, Dougherty, Edwards, Emmerson, Froman, Funk, Gillespie, Green, Henderson, Hicks, Hull, Lester, McDonald, McGinnis, Menard, Munsell, Murphy of Cook, Oliver, Phelps, Phillips, Ross, Scott, Thornton, Threlkeld, Webb, and Woodson—32.

Those who voted in the negative, are,

Messrs. Bailey, Baldwin, Beall, Bennett, Bissell, Blackman, Carpenter, Charles, Courtright, Crain, Dodge, Dollins, Dunlap, Francis, Hankins, Humphrey, Kitchell, Laughlin, Leary, Lincoln, Logan, McClelland, Marshall, Minshall, Moore, Murphy of Perry, Odam, Olds, Ormsbee, Parsons, Peck, Reynolds, Shepley, Trumbull, Turney, Wheeler, Wilson, Wood, and Mr. Speaker—39.

Mr. Woodson moved to amend the bill by striking out the words "be punished by confinement in the penitentiary for any term not more than two years," and insert the words "shall be fined in a sum not less than one hundred dollars, nor more than five hundred dollars."

And the amendment proposed by Mr. Woodson was agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Beall, Bentley, Blackman, Bradford, Busey, Canady, Carpenter, Cox, Crain, Cunningham, Denny, Dollins, Dougherty, Edwards, Emmerson, Froman, Funk, Hicks, Laughlin, Lester, McDonald, McGinnis, Menard, Munsell, Odam, Oliver, Phelps, Phillips, Reynolds, Ross, Scott, Shepley, Thornton, Threlkeld, Waters, Webb, Woodson, and Wood—39.

Those who voted in the negative, are,

Messrs. Bailey, Baldwin, Barnett, Bennett, Bissell, Charles, Courtright, Dodge, Drummond, Dunlap, Francis, Green, Gridley, Hankins, Henderson, Hull, Kitchell, Leary, Lincoln, Logan, McClelland, Marshall, Minshall, Moore, Murphy of Perry, Olds, Ormsbee, Parsons, Peck, Trumbull, Turney, Wheeler, Wilson, and Mr. Speaker—34.

Mr. Bradford moved to amend the bill by striking out the word "one" before "hundred," and inserting "two;" which was not agreed to.

Mr. Peck demanded the previous question; which was sustained, and the bill was

*Ordered* to be re-engrossed.

The engrossed bill for "An act concerning assessors," was read the third time.

Mr. Blackman moved to amend the 1st section of the bill so as to authorize the appointment of three assessors in each county; which was not agreed to.

Mr. Charles moved to amend the bill by adding the following proviso:

"*Provided*, That assessors shall have until the first day of August to make their returns to the county commissioners' courts; which was not agreed to.

Mr. Lester moved to amend the bill by inserting after the word "assessor" in the fifth line of the first section, the words "in each justice's precinct;" which was not agreed to.

Mr. Olds moved the reference of the bill to the committee on the Judiciary; which was not agreed to.

Mr. McClernand demanded the previous question; which was sustained; and the bill passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein; when,

On motion,

The House adjourned.

## MONDAY, FEBRUARY 8, 1841.

House met pursuant to adjournment.

Mr. Crain, from the committee on Engrossed Bills, reported as correctly engrossed, bills of the following titles:

"An act to authorize John Primin, Sen., to build a mill-dam across Sangamon river;"

"An act to amend 'An act to incorporate the city of Chicago,' approved March 4, 1837, "and for other purposes;"

"An act to locate a State road from Urbana, in Champaign county, by way of North Bend, to Marion, in De Witt county;"

"An act authorizing the mutual conveyance of certain lots by and between the Auditor of Public Accounts and J. Whitney;"

"An act to authorize the relocation of the county seat of Clay county."

Mr. Bissell presented the petition of William Edwards for a divorce; which, without reading, on his motion, was referred to the committee on the Judiciary.

Mr. Drummond presented the petitions of citizens of Boone county, in relation to boundaries of said county; which, without reading, on his motion, was referred to the same select committee to which was referred a bill on the same subject.

Mr. Hull presented the petition of citizens of the town of Groveland, in Tazewell county; which, without reading, on his motion, was referred to a select committee.

*Ordered*, That Messrs. Hull, Henderson, and Phillips, be said committee.

Mr. Ormsbee presented the petition of citizens of Morgan county, in relation to a State road; which, without reading, on his motion, was referred to the committee on State Roads.

Mr. Dodge presented the petition of Jesse Blin for a ferry across Rock river; which, without reading, on his motion, was referred to the committee on State Roads.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives, that they have passed bills of the following titles:

"A bill for an act to locate and establish a State road therein named;"

"A bill for an act to vacate a part of the town plat of Mercedosia;"

"A bill for an act to amend an act, entitled 'An act relating to the Galatin Salines, and the lands belonging to the same,'" approved January 16, 1836;

"A bill for an act to amend an act, entitled 'An act to incorporate the Tazewell county Commercial and Fire Insurance Company,' " approved March 2, 1839;

"A bill for an act to amend an act, entitled 'An act to extend the corporate powers of the town of Pekin,'" approved February 23, 1839;

"A bill for an act for transcribing certain records in Tazewell county." In the passage of which they ask the concurrence of the House of Representatives.

They have concurred with the House of Representatives in the passage of bills of the following titles, to wit:

"A bill for an act to amend an act, entitled 'An act to regulate tavern and grocery licenses;'"

"A bill for an act changing a town plat therein named;"

"A bill for an act to extend the provisions of an act, entitled 'An act to provide for the dedication of lots in towns situated on canal lands to public purposes,'" approved February 28, 1839.

They have concurred with the House of Representatives in the passage of a bill for an act for the relief of the creditors of the late William Wernwag, as amended by them, in which amendment they ask the concurrence of the House of Representatives.

They have also concurred with the House of Representatives in their amendments to a bill for "An act to amend an act, entitled 'An act to incorporate the town of Jacksonville, and for other purposes.'"

Mr. Dodge presented the petition of citizens of La Salle county, in relation to a division of said county; which, without reading, on his motion, was referred to the committee on Counties.

Mr. Wood presented the petition of Martin Gillet and others, in relation to a State road; which, without reading, on his motion, was referred to the committee on State Roads.

Mr. Drummond presented the petition of citizens of the State of Illinois, in relation to a bridge across Rock river; which, without reading, on his motion, was referred to a select committee.

*Ordered*, That Messrs. Drummond, Thornton, and McLean be said committee.

Mr. Henderson presented the petition of citizens of Bureau county, asking to have certain buildings and lots in the town of Princeton exempted from taxation; which, without reading, on his motion, was referred to the committee on Finance.

Mr. Ross, from the committee on Finance, to which was referred a certain petition, reported a bill for "An act for the relief of the late collector of Fulton county;" which was read the first time, and second time by its title, and

*Ordered* to be engrossed.

Mr. Shepley, from the committee on State roads, reported a bill for "An act to locate a State Road therein named;" which was read the first time, and the second time by its title, and

*Ordered* to be engrossed.

Mr. Carpenter, from the committee on Counties, to which was referred the petition of citizens of De Kalb and Boone counties;

Also, the petition of citizens of Montgomery, Fayette, Shelby, and Christian counties, in relation to a new county;

Also, the petition and remonstrances of citizens of Hardin and Gallatin counties, in relation to a new county, reported the same back to the House, and was discharged from the further consideration of the same.

Mr. Carpenter, from the committee on Counties, to which was referred the bill for "An act concerning Cass county," reported the same back to the House, and recommended the rejection of the amendments reported by the select committee; when,

On motion of Mr. Cox,

The bill was laid on the table.

The bill for "An act to create the county of Radiation," coming up for consideration, and the question being on the motion of Mr. Oliver, to indefinitely postpone the bill,

Mr. Waters moved that the bill be referred to the committee on Claims; which was not agreed to; when the motion to indefinitely postpone the bill was agreed to.

The bill for "An act to complete the Central Railroad," which was under consideration when the House adjourned on Saturday morning last, coming up for consideration, and the question being on the motion of Mr. Trumbull, to indefinitely postpone the bill,

After discussion, and before any vote was taken on the motion,

The House adjourned until 2 o'clock, P. M.

#### TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Senate bill for "An act to amend an act, entitled 'An act relating to the Gallatin Salines, and the lands belonging to the same,'" approved January 16, 1836, was read the first time, and the second time by its title, and

On motion of Mr. Threlkeld,

Referred to the same select committee to which was referred a bill on the same subject some days since.

Mr. Crain, from the committee on Engrossed Bills, reported as correctly engrossed, bills of the following titles:

"An act for the formation of the county of Woodford;"

"An act to authorize Solomon Husalton to build a dam across Little Wabash river;"

"An act to locate a State road from Decatur to Alton;"

"An act to change the name of the town of Millersburg, in the county of Mercer, to that of Troy;"

"An act for the collection of the taxes of Henderson county;"

"An act for the formation of the county of Richland;"

"An act to authorize Stanton Prentiss to establish a ferry across the Mississippi river."

Mr. Hicks, on leave, introduced a bill for "An act to change the time of holding a portion of the Circuit Courts in the third Judicial Circuit in this



State;" which was read the first time, and the second time by its title, and on his motion, referred to the committee on the Judiciary: when,

Mr. Lincoln moved that the House now resolve itself into the committee of the Whole, on the consideration of the reports of the majority and minority of the select committee, in relation to the public lands.

Which was agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Buscy, Canady, Charles, Courtright, Cox, Crain, Darnielle, Denny, Dougherty, Drummond, Dunlap, Edwards, Francis, Froman, Funk, Gillespie, Gridley, Henderson, Hull, Humphrey, Laughlin, Lincoln, Logan, McClurken, McDonald, McLean, Minshall, Munsell, Murphy of Perry, Phillips, Thornton, Trumbull, Waters, Webb, Woodson, and Wood—41.

Those who voted in the negative, are,

Messrs. Archer, Baldwin, Barnett, Bentley, Bissell, Blackman, Carpenter, Cavarly, Cunningham, Dodge, Dollins, Emmerson, Green, Hankins, Hicks, Kelly, Kitchell, Leary, Lester, McGinnis, Marshall, Moore, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Phelps, Reynolds, Ross, Shepley, Threlkeld, Turney, Wheeler, Wilson, and Mr. Speaker—37.

So the House now resolved itself into committee of the Whole on the above named report,

Mr. Drummond in the chair; and after some time spent therein, the committee rose, reported progress, and obtained leave to sit again.

The House adjourned.

## TUESDAY, FEBRUARY 9, 1841.

House met pursuant to adjournment.

Mr. Crain, from the committee on Engrossed Bills, reported as correctly engrossed, bills of the following titles:

"An act to legalize certain proceedings of the inhabitants and trustees of schools for township 35 north, of range 10 east, in Will county;"

"An act to incorporate the Illinois Agricultural and Stock Association;"

"An act to authorize the sale of streets in Hillsboro;"

"An act to amend the several acts incorporating the Beardstown and Sangamon Canal Company:"

"An act relative to the times of holding circuit courts in the counties of Champaign, Coles, Edgar, and Vermilion."

Mr. Brown of Sangamon presented the remonstrance of citizens of Sangamon county, against a division of said county; which, without reading, on his motion, was referred to the same select committee to which were referred other petitions and remonstrances on the same subject.

Mr. Edwards presented the petition of citizens of Madison county, in relation to the right of trial by jury, &c.

Mr. Kitchell moved to lay the petition on the table.

Mr. Murphy of Cook demanded a call of the House; and the roll being called over, it appeared the following members were absent from their seats:

Messrs. Able, Beall, Cavarly, Cunningham, Dougherty, English, Green, Hardin, Humphrey, Laughlin, McDonald, Oliver, and Thornton.

Mr. Webb moved to dispense with further proceedings under the call of the House; which was not agreed to.

Pending the call,

Mr. Parsons, on leave, introduced a bill for "An act to amend an act, entitled 'An act concerning the public revenue,' approved 26th February, 1839; which was read the first time, and the second time by its title, and on his motion, referred to the committee on the Judiciary.

Mr. Trumbull, on leave, introduced a bill for "An act to incorporate the St. Clair Railroad Company;" which was read the first time, and the second time by its title; and referred to the committee on Banks and other Corporations.

Mr. Kitchell, on leave, introduced a bill for "An act to revive an act, entitled 'An act to amend an act relative to criminal jurisprudence,' approved January 19th, 1829; which was read the first time, and

*Ordered to a second reading.*

Mr. Murphy of Cook, on leave, introduced a bill for "An act to authorize the County Commissioners' Clerk of Du Page county, to keep his office as at present located;" which was read the first time, and the second time by its title, and

*Ordered to be engrossed.*

Mr. Brown of Sangamon presented the petition of sundry citizens of Mason county for an election precinct; which was read, and on his motion, referred to a select committee.

*Ordered,* That Messrs. Brown of Sangamon, Bennett, and Menard be said committee.

Mr. Kelly, on leave, introduced a bill for "An act requiring the County Commissioners' Court of Edgar county to establish an additional election precinct in said county;" which was read the first time, and the second time by its title, and

*Ordered to be engrossed.*

Mr. Peck, from the joint select committee to which was referred the resolution in relation to the apportionment of representation, reported a bill for "An act to apportion the representation of the several counties of this State;" which was read the first time, and the second time by its title, and,

On motion of Mr. Lincoln,

The bill was laid on the table, and one hundred and fifty copies ordered to be printed, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Baldwin, Barnett, Beall, Bennett, Bentley, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Carpenter, Cavarly, Charles, Cox, Crain, Cunningham, Darnielle, Denny, Drummond, Dunlap, Edwards, Emmerson, English, Francis, Froman, Funk, Gillespie, Green, Gridley, Hankins, Hardin, Henderson, Hicks, Hull, Humphrey, Kitchell, Laughlin, Leary, Lester, Lincoln, McClurken, McDonald, McLean, Marshall, Menard, Minshall, Murphy of Cook, Odam, Phelps, Phillips, Reynolds, Ross, Thornton, Threlkeld, Trumbull, Webb, Wilson, Woodson, and Mr. Speaker—61.

Those who voted in the negative, are,

Messrs. Bissell, Blackman, Courtright, Dodge, Dollins Kelly, Logan, McGinnis, Moore, Munsell, Murphy of Perry, Olds, Oliver, Ormsbee,

Parkinson, Parsons, Peck, Scott, Shepley, Turney, Waters, Wheeler, and Wood—23.

The Doorkeeper having reported under the call, the House resumed the consideration of the petition presented by Mr. Edwards, from Madison county, praying the right of trial by jury, &c.; which was laid on the table, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bailey, Baldwin, Barnett, Bennett, Bentley, Bissell, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Carpenter, Cavarly, Courtright, Cox, Crain, Cunningham, Dodge, Dollins, Dunlap, English, Francis, Froman, Funk, Green, Hankins, Hardin, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Lincoln, Logan, McDonald, McGinnis, McLean, Marshall, Minshall, Moore, Munsell, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parkinson, Parsons, Peck, Phelps, Phillips, Scott, Shepley, Threlkeld, Trumbull, Turney, Waters, Wheeler, Wilson, Woodson, Wood, and Mr. Speaker—66.

Those who voted in the negative, are,

Messrs. Archer, Beall, Charles, Darnielle, Denny, Drummond, Edwards, Emmerson, Gillespie, Gridley, Henderson, Menard, Reynolds, Ross, Thornton, and Webb—17.

Mr. Logan, from the select committee to which was referred a bill for "An act to incorporate the Illinois Grand Tower Company, for the manufacture of iron," reported the same back without amendment, and recommended its passage; when the bill was

*Ordered* to be engrossed.

Mr. Barnett, from the select committee to which was referred a bill for "An act to establish the county of Okaw," reported the same back with amendments; which were read and concurred in, and the bill

*Ordered* to be engrossed.

Mr. Cunningham, from the select committee to which was referred a bill for "An act for the better regulating the County Commissioners' Courts of this State," reported the same back to the House, and recommended its passage.

Mr. Carpenter moved to amend the 4th section by striking out the word "object" and insert "unless the majority shall desire it."

Mr. Cavarly moved to amend the 4th section of the bill by striking out the last clause of said section, commencing the 5th line from the bottom with the word "nor."

Mr. Dollins moved the indefinite postponement of the bill and amendments; which was agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Baldwin, Beall, Bentley, Bissell, Blackman, Bradford, Brown of Sang., Brown of Ver., Canady, Carpenter, Charles, Darnielle, Denny, Dodge, Dollins, Drummond, Edwards, Emmerson, Froman, Funk, Gridley, Hardin, Hicks, Hull, Kitchell, Leary, Logan, McClurken, McGinnis, Munsell, Parkinson, Phillips, Ross, Scott, Shepley, Thornton, Threlkeld, Trumbull, Waters, Webb, Woodson, and Wood—44.

Those who voted in the negative, are,

Messrs. Bennett, Busey, Cavarly, Courtright, Cox, Crain, Cunningham, Dunlap, English, Francis, Green, Hankins, Henderson, Humphrey, Kelly, Laughlin, Lester, Lincoln, McDonald, Marshall, Menard, Minshall, Moore

Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Phelps, Reynolds, Turney, Wheeler, Wilson, and Mr. Speaker—37.

Mr. Dollins offered for adoption the following resolution:

*Resolved by the House of Representatives, the Senate concurring herein,* That both branches of the General Assembly convene in the Hall of the House of Representatives, on Friday, the 12th inst., at 2 o'clock, P. M., in order to elect one State's Attorney for the third Judicial Circuit; also, a President, Acting Commissioner, and Treasurer of the Canal Board."

Mr. Hardin moved to amend the resolution by inserting, also, State's Attornies for the 1st, 6th, 7th, and 9th Judicial Circuits; which was agreed to.

Mr. Cavarly moved to lay the resolution, as amended, on the table; which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Barnett, Bissell, Blackman, Busey, Cavarly, Courtright, Crain, Green, Hicks, Humphrey, Kelly, Laughlin, McDonald, McGinnis, Murphy, of Cook, Murphy of Perry, Odam, Oliver, Ormsbee, Peck, Scott, Trumbull, Wheeler, Wood, and Mr. Speaker—26.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bentley, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Carpenter, Charles, Cox, Cunningham, Darnielle, Denny, Dollins, Drummond, Dunlap, Emmerson, Francis, Froman, Funk, Gridley, Hankins, Hardin, Henderson, Hull, Kitchell, Lester, Logan, McClurken, Menard, Minshall, Moore, Munsell, Olds, Ormsbee, Purkinson, Phelps, Phillips, Reynolds, Ross, Thornton, Threlkeld, Turney, Webb, Wilson, and Woodson—48.

When the resolution, as amended, was adopted.

Mr. Ross, from the select committee to which was referred a bill for "An act to divide certain money therein named, between the counties of Cass, Menard, and Sangamon," reported the same back to the House with amendments as a substitute; which were read and concurred in, and,

On motion of Mr. Lincoln,

The consideration of the bill and amendments were indefinitely postponed, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Carpenter, Cavarly, Charles, Cox, Cunningham, Darnielle, Denny, Dunlap, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Henderson, Hicks, Hull, Laughlin, Lincoln, Logan, McGinnis, Menard, Minshall, Moore, Oliver, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Webb, Woodson, Wood, and Mr. Speaker—43.

Those who voted in the negative, are,

Messrs. Baldwin, Barnett, Bennett, Bentley, Bissell, Blackman, Busey, Courtright, Dollins, English, Green, Hankins, Hardin, Kelly, Kitchell, Lester, McClurken, McDonald, Marshall, Munsell, Murphy of Cook, Murphy of Perry, Odam, Olds, Ormsbee, Parsons, Peck, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, and Wilson—34.

Mr. Kitchell offered for adoption the following resolution:

*Resolved by the General Assembly of the State of Illinois,* That our Senators in Congress be instructed, and our Representatives requested, to use

all proper means for the enactment of a bankrupt law, which shall be general in its operations, for the relief of all honest debtors, and the detection of fraudulent ones, embracing all classes of our citizens, and including all companies and corporate bodies whatsoever, except those institutions in which a State shall be a principal stockholder, and to the extent of the State stock therein.

Mr. Hardin moved to amend the resolution by striking out the words "and including all companies and corporate bodies whatsoever;"

Mr. Parsons moved the previous question; when,

On motion of Mr. Webb,

The resolution and amendment were laid on the table, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Barnett, Bentley, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Carpenter, Charles, Cox, Cunningham, Darnielle, Denny, Dollins, Emmerson, Francis, Froman, Funk, Hardin, Henderson, Hicks, Lincoln, McGinnis, Menard, Minshall, Moore, Munsell, Murphy of Perry, Oliver, Parkinson, Parsons, Phillips, Reynolds, Scott, Shepley, Thornton, Trumbull, Waters, Webb, White, Woodson, and Wood—44.

Those who voted in the negative, are,

Messrs. Bailey, Baldwin, Beall, Bissell, Cavarly, Courtright, Crain, Dodge, Drummond, Dunlap, Edwards, Green, Gridley, Hankins, Hull, Humphrey, Kelly, Kitchell, Laughlin, Lester, Logan, McClurken, McLean, Murphy of Cook, Odam, Olds, Ormsbee, Peck, Phelps, Ross, Threlkeld, Turner, Wheeler, Wilson, and Mr. Speaker—35

Mr. Wheeler offered for adoption the following preamble and resolution:

*Whereas*, For a series of years, judicial officers and other persons have denied the right to the Legislature of this State to alter or repeal an act of incorporation, unless the right to alter or repeal be expressly reserved to the Legislature in the act itself;

*And whereas*, The frequent intentions to alter or repeal in acts of incorporation, which have been passed within the last few years has been seized upon and used by the advocates of monopolies as an implied admission on the part of the General Assembly that such power does not exist, unless expressly reserved in the act of incorporation;

*And whereas*, A doctrine of this character is of the most pernicious tendency in its bearings upon our Republican institutions, and ought to be dispelled and exploded without delay; therefore,

*Resolved*, That the General Assembly has the right at any and at all times, when the public interest require it, to alter, or amend, or repeal any act of incorporation whatsoever, whether the power so to do be expressly reserved in the act or no; which,

On motion of Mr. Brown of Sangamon,

Was laid on the table,

Mr. Ross offered for adoption the following resolution:

*Resolved by the House of Representatives, the Senate concurring herein*, That our Senators in Congress be instructed, and our Representatives requested to vote against all further appropriations for the military academy at West Point, and that the Governor of this State forthwith forward to

each of our Senators and Representatives in Congress, a copy of this resolution.

Mr. Charles moved to lay the resolution on the table; which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bailey, Bissell, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Cavarly, Charles, Cox, Cunningham, Darnielle, Denny, Drummond, Edwards, Francis, Froman, Funk, Hardin, Henderson, Humphrey, Laughlin, Menard, Munsell, Murphy of Cook, Olds, Parkinson, Peck, Phillips, Thornton, Threlkeld, and Webb—27.

Those who voted in the negative, are,

Messrs. Archer, Baldwin, Beall, Bentley, Busey, Carpenter, Courtright, Crain, Dodge, Dollins, Dunlap, Emmerson, Gillespie, Green, Gridley, Hankins, Hicks, Hull, Kelly, Kitchell, Leary, Lester, Lincoln, Logan, McClurken, McDonald, McGinnis, McLean, Minshall, Moore, Murphy of Perry, Odam, Oliver, Parsons, Phelps, Reynolds, Ross, Scott, Shepley, Trumbull, Turney, Waters, Wheeler, White, Wilson, Woodson, Wood, and Mr. Speaker—48.

On motion of Mr. Bissell,

The resolution was referred to the committee on the Militia.

Mr. Threlkeld offered for adoption the following resolution:

*Resolved by the General Assembly of the State of Illinois, That our Senators be instructed, and our Representatives in Congress be requested to use all proper means for the enactment of a bankrupt law, which shall be general in its operations, for the relief of all honest debtors, and the detection of fraudulent ones, embracing all classes of our citizens.*

Mr. Parsons moved to lay the resolution on the table; which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Baldwin, Beall, Bentley, Blackman, Bradford, Brown of Sangamon, Busey, Carpenter, Charles, Courtright, Cox, Cunningham, Darnielle, Denny, Dollins, Emmerson, Froman, Funk, Henderson, Humphrey, Moore, Murphy of Perry, Oliver, Parkinson, Parsons, Shepley, Trumbull, Turney, Webb, Wilson, Woodson, and Wood—33.

Those who voted in the negative, are,

Messrs. Bailey, Bissell, Brown of Vermilion, Canady, Cavarly, Crain, Drummond, Dunlap, Edwards, Francis, Gillespie, Green, Gridley, Hankins, Hardin, Hicks, Hull, Kelly, Kitchell, Laughlin, Leary, Lester, Lincoln, McClurken, McDonald, McLean, Marshall, Menard, Minshall, Munsell, Murphy of Cook, Odam, Olds, Peck, Phelps, Phillips, Reynolds, Ross, Scott, Thornton, Threlkeld, Waters, Wheeler, White, and Mr. Speaker—45.

Mr. Bissell moved to amend the resolution offered by Mr. Threlkeld, adding as follows: "and all corporate bodies."

On motion of Mr. Brown of Sangamon,

The amendment was laid on the table, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bailey, Bennett, Blackman, Brown of Sangamon, Brown of Vermilion, Canady, Carpenter, Charles, Cox, Cunningham, Darnielle, Denny, Dollins, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Green, Gridley, Hardin, Henderson, Hicks, Hull, Lincoln, J

gan, McLean, Menard, Moore, Munsell, Murphy of Perry, Oliver, Parkinson, Phelps, Reynolds, Thornton, Threlkeld, Waters, Webb, and Woodson—42.

Those who voted in the negative, are,

Messrs. Archer, Baldwin, Bentley, Bissell, Bradford, Busey, Cavarly, Courtright, Crain, Dodge, Dunlap, Hankins, Humphrey, Kitchell, Laughlin, Leary, Lester, McClurken, McDonald, Marshall, Minshall, Murphy of Cook, Odam, Olds, Ormsbee, Parsons, Peck, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—38.

When the resolution as offered by Mr. Threlkeld, was adopted.

Mr. Lincoln, from the select committee to which was referred the bill for "An act providing for the election of a Public Binder," reported the same back to the House with amendments, which were read; when

Mr. Dodge moved to adjourn; which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bissell, Blackman, Brown of Vermilion, Busey, Cunningham, Denny, Dodge, Edwards, Froman, Funk, Gillespie, Hankins, Hardin, Henderson, Hicks, Humphrey, Lincoln, McDonald, McLean, Marshall, Minshall, Munsell, Murphy of Cook, Oliver, Ormsbee, Peck, Phillips, Shepley, Thornton, Threlkeld, Webb, Wood, and Mr. Speaker—33.

Those who voted in the negative, are,

Messrs. Archer, Baldwin, Bennett, Bradford, Brown of Sangamon, Canady, Carpenter, Cavarly, Courtright, Cox, Barnielle, Dollins, Drummond, Dunlap, Green, Gridley, Hull, Kitchell, Laughlin, Leary, Lester, Menard, Moore, Murphy of Perry, Odam, Olds, Parkinson, Parsons, Phelps, Reynolds, Trumbull, Turney, Wheeler, White, Wilson, and Woodson—36.

Mr. Turney moved the House adjourn till two o'clock; which was not agreed to.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have passed bills of the following titles, to wit:

A bill for "An act to incorporate the Rock river Seminary, in Ogle county, Illinois."

In the passage of which they ask the concurrence of the House of Representatives.

They have concurred with the House of Representatives in the passage of a bill for "An act to re-locate the county seat of Lake county."

They have also adopted the following preamble and resolution, to wit:

Whereas, Congress originally, in providing for the construction of the National Road, designed that it should pass the several permanent seats of government in the Western States, to wit: Ohio, Indiana, Illinois, and Missouri; and whereas said road has been located from the seat of government of the State of Indiana, to Vandalia, in the State of Illinois, with reference to the former and temporary seat of government of this State; and whereas said seat of government has been permanently relocated in the city of Springfield, in said State, and the best interest of the Union would be promoted by diverging the location and construction of said road from the seat of government of the State of Indiana, (*via*) the City of Springfield, and thence on the most eligible route to the seat of government of Missouri; therefore,

*Resolved by the General Assembly of the State of Illinois,* That our Senators in Congress be instructed, and our Representatives requested, to use their exertions and influence for the passage of a law providing for such change and location.

In the passage of which preamble and resolution they ask the concurrence of the House of Representatives.

They have also adopted the following resolution, to wit:

*Resolved by the General Assembly of the State of Illinois,* That our Senators in Congress be, and they are hereby instructed, and our Representatives requested to use their influence to effect a change in the Constitution of the United States, so that any President hereafter elected shall not be eligible to re-election to the same office.

*Resolved, further,* That the Governor transmit a copy of the foregoing resolutions to each of our Delegates in Congress.

In the passage of which resolution they ask the concurrence of the House of Representatives.

They have also concurred with the House of Representatives in the adoption of a memorial to the Congress of the United States, to allow actual settlers to enter forty acre tracts adjacent to their residences, without limit as to quantity, &c., as amended by them.

In which amendment they ask the concurrence of the House of Representatives.

They have also concurred with the House of Representatives in the passage of a resolution having for its object the raising of a joint select committee, consisting of one on the part of the Senate, and two on the part of the House, to memorialize Congress to establish a Marine Hospital at the City of Chicago, and have appointed Mr. Pearson the committee on the part of the Senate.

Mr. Wood moved the House adjourn; which was agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bissell, Blackman, Brown of Vermilion, Canady, Cavarly, Courtright, Cunningham, Denny, Dodge, Froman, Funk, Hankins, Hardin, Henderson, Hicks, Hull, Humphrey, Lincoln, McDonald, McLean, Marshall, Minshall, Munsell, Murphy of Cook, Oliver, Ormsbee, Parsons, Peck, Shepley, Thornton, Threlkeld, Webb, White, Wood, and Mr. Speaker—35.

Those who voted in the negative, are,

Messrs. Archer, Baldwin, Bennett, Bradford, Brown of Sangamon, Carper, Cox, Darnielle, Dollins, Drummond, Dunlap, Edwards, Francis, Gillespie, Green, Gridley, Kitchell, Laughlin, Leary, Lester, Menard, Moore, Murphy of Perry, Odam, Olds, Parkinson, Parsons, Phelps, Phillips, Reynolds, Trumbull, Wheeler, Wilson, and Woodson—33.

So the House adjourned.

WEDNESDAY, FEBRUARY 10, 1841.

House met pursuant to adjournment.

Mr. Crain, from the committee on Engrossed Bills, reported as correctly engrossed, bills of the following titles:

“An act to incorporate the Peoria Marine and Fire Insurance Company;”



"An act in relation to an act to incorporate the Exeter Manufacturing Company," approved March 1, 1839;

"An act to incorporate the Springfield Insurance Company;"

"An act to authorize the Trustees of Shawneetown to construct a Macadamized road."

Mr. Francis presented the petition of sundry citizens of Sangamon county, praying for a new county; which, without reading, on his motion, was referred to the same select committee as the other petitions and remonstrances on the same subject.

Mr. Phelps presented the petition of sundry citizens of Peoria county, in relation to the division of said county; which was referred, without reading, to the committee on Counties.

Mr. Minshall presented the petition of the Trustees of Beardstown; which, without reading, was referred to the committee on Banks and other Corporations.

On motion of Mr. Trumbull,

*Resolved*, That at the hour of 10 o'clock, A. M., each day, the Speaker shall proceed to dispose of the orders of the day, and messages and communications on his table.

Mr. Waters asked and obtained leave to withdraw petitions presented by him for the formation of a new county, some days since.

Engrossed bill for "An act providing for the election of a Public Binder," as reported from the select committee, with their amendment, under consideration when the House adjourned yesterday, again coming up for consideration, the question being on agreeing with the committee on their amendments,

Mr. Ormsbee moved to amend the report of the committee by adding as follows:

SEC. —. That the Public Binder elected at the present session of the General Assembly shall, thirty days prior to the meeting of the Legislature of 1842-'3, enter into bond in the penal sum of three thousand dollars to the Secretary of State, Auditor, and Treasurer; that he will bind all laws and stitch all journals or other binding that may be required to be done by that General Assembly, by the Governor, or by either of the officers of State; which was agreed to.

Mr. Bentley moved to refer the bill and amendments to a select committee; which was not agreed to.

Mr. Kitchell moved to amend the amendment of the select committee, as amended, to strike out all after the word "that" and insert

"That the Public Binder or Binders shall do all the binding that the regular session of the General Assembly by which they are elected may order, in any way and manner, as specified in this act, and providing there should be a called session of the General Assembly between the regular sessions, the said Binder or Binders shall do all binding the called session of the General Assembly may order, in the way and manner as specified in this act;" which,

On motion of Mr. Trumbull,

Was laid on the table, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Archer, Bailey, Beall, Bennett, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Carpenter, Cavarly,

Charles, Cox, Crain, Cunningham, Darnielle, Denny, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Hicks, Hull, Leary, Lincoln, McLean, Menard, Minshall, Munsell, Ormsbee, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Trumbull, Waters, Webb, and Woodson—48.

Those who voted in the negative, are,

Messrs. Baldwin, Bentley, Bissell, Courtright, Dodge, Dollins, Dougherty, Dunlap, Green, Hankins, Humphrey, Kelly, Kitchell, Laughlin, Lester, Logan, McClelland, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Perry, Odam, Olds, Oliver, Parsons, Peck, Ross, Scott, Shepley, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—37.

The question then recurring on the report of the select committee, as amended,

It was agreed to, and the bill passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Engrossed bills of the following titles were severally read the third time by their titles and passed:

"An act to authorize the relocation of the county seat of Clay county;"

"An act in relation to certain mill-dams on Big Muddy, in Jasper and Clay counties;"

"An act to incorporate the Union Turnpike Company;"

"An act for the formation of the county of Richland;"

"An act to locate a State road from Urbana, in Champaign county, by way of North Bend to Marion, in De Witt county;"

"An act to authorize Stanton Prentice to establish a ferry across the Mississippi river."

*Ordered*, That the titles be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Engrossed bill for "An act to authorize John Primm, Sen. to build a mill dam across the Sangamon river," was read the third time, and,

On motion of Mr. Bennett,

Was laid on the table.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that they have repassed, by a constitutional majority a bill for "An act to reorganize the Judiciary of the State of Illinois," the objections of the Council of Revision to the contrary notwithstanding.

In which they ask the concurrence of the House of Representatives.

Engrossed bill for "An act for the formation of the county of Woodford," was taken up.

Mr. Gridley moved the indefinite postponement of the same, and,

On motion of Mr. Murphy of Perry,

The bill was laid on the table for the present.

Engrossed bill for "An act to authorize the mutual conveyance of certain lots by and between the Auditor of Public Accounts, and J. Whitney," was read the third time, and,

On motion of Mr. Dougherty,

The title was amended by striking out "&c." wheresoever it occurs in the title, and the bill passed.

*Ordered*, That the title be as amended, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Engrossed bills of the following titles were severally read the third time, by their titles, and passed:

"An act to locate State road from Decatur to Alton;"

"An act to change the name of the town of Millersburg, in the county of Mercer, to that of Troy;"

"An act to authorize Henry Hand to keep a ferry across Rock river;"

"An act for the collection of taxes of Henderson county;"

"An act for the relief of the collector of Pope county."

Engrossed bill for "An act to authorize Solomon Husalton to build a dam across the Little Wabash river," was read the third time by its title, and referred to a select committee of three.

*Ordered*, That Messrs. Green, Turney, and Marshall be said committee.

Engrossed bill for "An act to establish a ferry across the Illinois river," was read the third time.

On motion of Mr. Archer,

The bill was amended by adding the following section:

"SEC. 9. The said William L. May shall, on or before the first day of May next, enter into bond with one or more securities, in the penal sum of five hundred dollars, for the faithful performance of the conditions of this act; which bond shall be made payable to the county commissioners of Tazewell county, and their successors in office, and shall be approved of by the Clerk of the county commissioners' court, and filed in his office, to be sued on by any person aggrieved in the name of said commissioners."

Mr. Denny offered for adoption the following amendment: strike out "64 cents" and insert "3 cents per hundred weight of merchandize;" which

On motion of Mr. Murphy of Perry,

Was laid on the table.

Mr. Menard moved to amend the bill in the 6th section, by striking out the word "Peoria," where it occurs and insert "Tazewell;" which was not agreed to.

Mr. McClernand moved to amend the bill by striking out "county treasury of Peoria county," and inserting "State treasury," and requiring the money to be expended under the direction of the county commissioners' courts of Peoria and Tazewell.

Mr. McClernand moved the previous question; which was sustained.

The question recurring on the amendment offered by Mr. McClernand, It was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bissell, Carpenter, Dollins, Hankins, McClernand, McGinnis, Marshall, Moore, Murphy of Perry, Ormsbee, Peck, Phelps, Trumbull, Turney, Wood, and Mr. Speaker—16.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Baldwin, Beall, Bennett, Bentley, Bradford, Brown of Sangamon, Busey, Canady, Cavarly, Charles, Courtright, Cox, Crain, Cunningham, Darnielle, Denny, Dougherty, Drummond, Dunlap, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Green, Gridley, Hardin, Henderson, Hicks, Hull, Humphrey, Kelly, Kitchell, Leary, Lester, Lincoln, McClurken, McDonald, McLean, Menard, Minshall, Munsell, Odam, Oliver, Parkinson, Parsons, Phillips, Reynolds, Shepley, Thornton, Waters, Webb, Wheeler, White, Wilson, and Woodson—59.

Mr. Phelps moved a reconsideration of the vote just taken, on the amendment offered by Mr. McClernand; which was not agreed to;

When the bill, as amended, was passed, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bennett, Bentley, Bissell, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Carpenter, Cavarly, Courtright, Cox, Cunningham, Darnielle, Dodge, Dollins, Dougherty, Dunlap, Edwards, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Humphrey, Lincoln, McClernand, McLean, Marshall, Minshall, Munsell, Murphy of Perry, Odam, Ormsbee, Parkinson, Parsons, Phillips, Reynolds, Shepley, Thornton, Turney, Webb, White, Woodson, Wood, and Mr. Speaker—48.

Those who voted in the negative, are,

Messrs. Bailey, Baldwin, Beall, Charles, Crain, Denny, Drummond, Emmerson, Green, Hankins, Henderson, Hicks, Hull, Kelly, Kitchell, Laughlin, Leary, Lester, McClurken, McDonald, McGinnis, Menard, Moore, Murphy of Cook, Oliver, Peck, Phelps, Threlkeld, Trumbull, Waters, Wheeler, and Wilson—32.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Peck offered for adoption the following rule:

**RULE** — That hereafter it shall be a standing rule of this House that whenever any member is within the bar, upon any call of the yeas and nays, and shall neglect to vote when his name is first called, such member shall not be permitted to vote on such question.

Mr. Archer moved to lay the resolution on the table; which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Beall, Bennett, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Cavarly, Charles, Cox, Cunningham, Darnielle, Denny, Drummond, Froman, Funk, Green, Gridley, Hardin, Henderson, Hull, Humphrey, Kitchell, Laughlin, McClernand, McDonald, Murphy of Cook, Odam, Parkinson, Reynolds, Waters, Webb, and Woodson—33.

Those who voted in the negative, are,

Messrs. Bailey, Baldwin, Bentley, Bissell, Blackman, Bradford, Carpenter, Courtright, Crain, Dodge, Dollins, Dougherty, Dunlap, Edwards, Emmerson, Francis, Gillespie, Hankins, Hicks, Kelly, Leary, Lester, Lincoln, McClurken, McGinnis, McLean, Marshall, Menard, Minshall, Moore, Munsell, Murphy of Perry, Oliver, Ormsbee, Parsons, Peck, Phelps, Phillips, Ross, Scott, Shepley, Thornton, Threlkeld, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—50.

Mr. Bissell moved the previous question; which being sustained, the rule was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bissell, Blackman, Courtright, Dodge, Dollins, Edwards, Emmerson, Hankins, Leary, Lester, Minshall, Murphy of Perry, Peck, Phelps, Reynolds, Ross, Shepley, Turney, White, Wilson, Wood, and Mr. Speaker—22.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Baldwin, Beall, Bennett, Bentley, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Carpenter, Cavarly, Charles, Cox, Crain, Cunningham, Darnielle, Denny, Dougherty, Drummond, Francis, Froman, Funk, Gillespie, Green, Gridley, Har-

din, Henderson, Hicks. Hull, Humphrey, Kelly, Kitchell, Laughlin, Lincoln, Logan, McClernand, McClurken, McDonald, McGinnis, McLean, Marshall, Menard, Moore, Munsell, Murphy of Cook, Odam, Oliver, Ormsbee, Parkinson, Parsons, Phillips, Scott, Thornton, Threlkeld, Trumbull, Waters, Webb, Wheeler, and Woodson—61.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives, that they have concurred with them in the passage of a bill for "An act in relation to the school fund."

They have also concurred with the House of Representatives in the passage of a bill to provide for the collection of taxes for the year 1839, in Cass county, as amended by them.

In which amendments they ask the concurrence of the House of Representatives.

Engrossed bills of the following titles were severally read the third time by their titles, and passed.

"An act creating an additional justice of the peace and constable in Cherry Grove precinct, Knox county;"

"An act to authorize the sale of streets in Hillsboro;"

"An act relative to the times of holding circuit courts in the counties of Champaign, Coles, Edgar, and Vermilion;"

"An act to amend the several acts incorporating the Beardstown and Sangamon Canal Company;"

"An act to incorporate the Salem Steam Mill Company;"

A bill for "An act to establish a ferry across the Illinois river"

*Ordered,* That the titles be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Engrossed bills of the following titles were severally read the third time, and passed:

"An act to legalize certain proceedings of the inhabitants and trustees of schools for T. 35, N., R. 10, E., in Will county;"

"An act to provide for the appointment of another commissioner to review certain State roads;"

"An act authorizing David and Samuel Mitchell to establish a ferry across the Mississippi river at Albany, in Whiteside county;"

"An act to authorize Lester Barker, Alanson House, and their associates to build a mill-dam across Fox river;"

"An act to sell the school section in T. 14, N., R. 8, E. of the 4th principal meridian;"

"An act to repeal an act incorporating the town of Shelbyville;"

"An act to authorize the erection of a mill-dam across Rector's fork of the Saline, in Gallatin county;"

"An act in relation to incorporated towns and cities in this State."

*Ordered,* That the titles be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Engrossed bill for "An act to amend an act to incorporate the colleges therein named," was read the third time.

Mr. Bailey moved to amend the bill by adding the following as an additional section:

SEC. 3. *Provided, further,* That the same privileges be extended to McDonough College, and all other incorporated colleges within this State

that have the same restrictions in their charters; which was agreed to, and the bill, as amended, was passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Engrossed bill for "An act authorizing certain debtors of the State to discharge their indebtedness in Illinois internal improvement scrip," was read the third time, and

Mr. Ross moved to lay the bill on the table; which was not agreed to, and the bill was passed, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bentley, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Drummond, Dunlap, Edwards, Emerson, Francis, Froman, Funk, Gillespie, Green, Gridley, Hardin, Henderson, Hicks, Hull, Humphrey, Leary, Lincoln, Logan, McClelland, McClurken, McLean, Menard, Minshall, Munsell, Odam, Parkinson, Peck, Phelps, Phillips, Reynolds, Shepley, Thornton, Threlkeld, Trumbull, Turney, Waters, Webb, White, Wilson, Woodson, and Wood—57.

Those who voted in the negative, are,

Messrs. Baldwin, Bissell, Carpenter, Cavarly, Courtright, Crain, Dollins, Hankins, Kitchell, Laughlin, Lester, McDonald, McGinnis, Marshall, Moore, Murphy of Perry, Oliver, Ormsbee, Parsons, Ross, Scott, Wheeler, and Mr. Speaker—23.

On motion,

The House adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Engrossed bills of the following titles were severally read the third time, and passed:

"An act concerning the taxes of Greene and Jersey counties;"

"An act to incorporate the Illinois Agricultural and Stock Association;"

"An act to incorporate the town of Marion;"

"An act to amend an act to incorporate the city of Chicago, approved the 4th day of March, 1837, and for other purposes;"

"An act to amend the several acts in relation to Constables."

*Ordered*, That the titles be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Engrossed bill for "An act to authorize the construction of a railroad from La Salle, in La Salle county, to Dixon, in Lee county, and for chartering a company with authority to construct said road, to be called the Illinois and Rock river Railroad Company," was read the third time, and,

On motion of Mr. Kitchell,

Referred to the committee on Internal Improvements.

Mr. Peck offered for adoption the following resolution:

*Resolved*, That the bill from the Senate providing for the reorganization of the Judiciary of this State, be now taken up for the action of this House,

and be made the order of the day for every day until the same shall be decided upon by the House.

Mr. Munsell moved to amend the resolution by striking out all after the word "resolved," and insert,

"That the further consideration of the act reorganizing the Judiciary of Illinois, passed at this General Assembly, and returned by the Council of Revision, with their objections, be suspended until this House shall have decided whether they will pass the supplemental bill providing for taking the sense of the people as to the merits of the Judiciary act, and that this House will now take up said supplemental bill with a view to disposing of it.

Mr. Cavarly moved to lay the amendment on the table.

Mr. Minshall demanded a call of the House.

The roll being called, the following members were absent:

Messrs. Able, Dunlap, Lincoln, and Olds.

Pending the call,

Mr. Parsons, on leave, introduced a bill for "An act to amend an act, entitled 'An act concerning Jails and Jailors,'" approved January 26th, 1827; which was read the first time, and

*Ordered* to a second reading.

Mr. McClernand moved to dispense with further proceedings under the call; which was agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Barnett, Bentley, Bissell, Blackman, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Oliver, Ormsbee, Parsons, Peck, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—47.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Drummond, Edwards, Emmerson, Francis, Freman, Funk, Gillespie, Gridley, Hardin, Henderson, Hull, Lincoln, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threikeld, Waters, Webb, and Woodson—38.

Mr. Turney moved the previous question.

The question being on agreeing to the amendment offered by Mr. Munsell, to the resolution offered by Mr. Peck,

It was laid on the table, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Baldwin, Barnett, Bentley, Bissell, Blackman, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—50.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon,

Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denry, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Hull, Lincoln, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Waters, Webb, and Woodson—38.

Mr. Webb moved to lay the resolution offered by Mr. Peck, on the table; which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Hull, Lincoln, McLean, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Waters, Webb, and Woodson—38.

Those who voted in the negative, are,

Messrs. Able, Baldwin, Barnett, Bentley, Bissell, Blackman, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClelland, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—50.

The question now recurring—"Shall the main question be now put?"

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Baldwin, Barnett, Bentley, Bissell, Blackman, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClelland, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—50.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Hull, Lincoln, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Waters, Webb, and Woodson—39.

The question then being on the adoption of the resolution offered by Mr. Peck,

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Baldwin, Barnett, Bentley, Bissell, Blackman, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClelland, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—50.



Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Hull, Lincoln, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Waters, Webb, and Woodson—39.

Mr. Peck moved to concur with the Senate in repassing the bill for "An act reorganizing the Judiciary of the State of Illinois," the objections of the Council of Revision to the contrary notwithstanding.

Mr. Webb moved to amend the bill by adding as follows:

"Sec. —. That for the purpose of ascertaining the opinion of the people of this State upon the propriety of the change in the Judiciary system, as proposed in this bill, a poll shall be opened at the next August election for members of Congress, in which there shall be two columns, one of which shall be for the adoption of the proposed change, and the other against it. Said election shall be held, and conducted, and returns made, as in elections for members of Congress; and if a majority of all the votes given, shall be in favor of the adoption of the proposed change, then, upon a certificate of that fact being made by the Secretary of State, and published in the paper of the Public Printer, the Governor is requested to convene the Legislature on the first Monday in December next, to carry into effect the provisions of this act; but if the majority of the votes shall not be in favor of the adoption of the proposed change, then this act shall be void.

This act shall not take effect until the first Monday in December next.

Mr. Murphy of Cook moved the previous question.

The objections of the Council of Revision were then read.

The question now being—"Shall the main question be now put?"

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Baldwin, Barnett, Bentley, Bissell, Blackman, Bradford, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—51.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Hull, Lincoln, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Waters, Webb, and Woodson—38.

The question now recurring on the amendment offered to the bill by Mr. Webb,

It was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Charles, Cox, Cunningham,

Darnielle, Denny, Drummond, Dunlap, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Hicks, Hull, Leary, Lincoln, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Waters, Webb, and Woodson—42.

Those who voted in the negative, are,

Messrs. Able, Baldwin, Barnett, Bentley, Bissell, Blackman, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, English, Green, Hankins, Humphrey, Kelly, Kitchell, Laughlin, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—46.

The question being on the passage of the bill for "An act for reorganizing the Judiciary of the State of Illinois," the objections of the Council of Revision to the contrary notwithstanding,

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Barnett, Bentley, Bissell, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dunlap, English, Green, Hankins, Humphrey, Kelly, Kitchell, Laughlin, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Prentice, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—46.

Those who voted in the negative, are,

Messrs. Able, Archer, Bailey, Beall, Bennett, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Hicks, Hull, Leary, Lincoln, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Waters, Webb, and Woodson—43.

Engrossed bill for "An act to vacate the town plat of the town of Iowa, in Perry county," was read the third time, and passed, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Beall, Bennett, Bentley, Bissell, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Cavarly, Charles, Courtright, Cox, Crain, Cunningham, Darnielle, Denny, Dollins, Dunlap, Edwards, Emmerson, Francis, Funk, Gillespie, Gridley, Hardin, Henderson, Hicks, Hull, Humphrey, Kelly, Laughlin, Leary, Lester, Lincoln, Logan, McClernand, McClurken, McDonald, McGinnis, McLean, Menard, Minshall, Moore, Munsell, Murphy of Perry, Odam, Ormsbee, Parkinson, Parsons, Phelps, Phillips, Reynolds, Scott, Shepley, Thornton, Threlkeld, Turney, Waters, Webb, Wheeler, and Woodson—63.

Those who voted in the negative, are,

Messrs. Baldwin, Carpenter, Drummond, Green, Hankins, Kitchell, Marshall, Oliver, Peck, Ross, Trumbull, White, Wilson, and Mr. Speaker—14.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Engrossed bill for "An act to amend an act relative to criminal juris-

prudence," was read the third time, and the question being on the passage of the bill,

Mr. Webb moved the House adjourn; which was decided in the affirmative, by yeas, and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bailey, Barnett, Beall, Bentley, Bissell, Carpenter, Cavarly, Charles, Courtright, Crain, Denny, Dodge, Dollins, Hankins, Hardin, Henderson, Hull, Humphrey, Laughlin, Lester, Lincoln, McClernand, McDonald, McGinnis, McLean, Murphy of Perry, Oliver, Ormsbee, Peck, Phelps, Phillips, Scott, Shepley, Thornton, Threlkeld, Trumbull, Turney, Webb, White, Wilson, Wood, and Mr. Speaker—42.

Those who voted in the negative, are,

Messrs. Archer, Baldwin, Bennett, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Cox, Cunningham, Darnielle, Dougherty, Drummond, Dunlap, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Green, Gridley, Hicks, Kitchell, Leary, McClurken, Menard, Minshall, Moore, Munsell, Odam, Parkinson, Parsons, Ross, Waters, Wheeler, and Woodson—37.

So the House adjourned.

#### THURSDAY, FEBRUARY 11, 1841.

House met pursuant to adjournment.

Mr. Crain, from the committee on Engrossed Bills, reported as correctly engrossed, bills of the following titles, viz:

"An act to locate a State road therein named;"

"An act to incorporate the Illinois Grand Tower Company, for the manufacture of iron, and for other purposes;"

"An act incorporating the Mississippi Bridge Company;"

"An act to establish the county of Okaw."

Mr. Edwards offered for adoption the following resolution:

"Hereafter bills on their third reading shall not be amended in the House without the concurrence of two-thirds of the members present;" which was agreed to.

On motion of Mr. Francis,

Engrossed bill for "An act to authorize John Primm, Sr., to build a mill-dam across Sangamon river;" laid on the table at a previous day, was taken up, and on his further motion, referred to a select committee.

*Ordered*, That Messrs. Francis, Bennett, and Dougherty, be said committee.

Mr. Oliver presented the petition of citizens of Johnson county, praying for an additional precinct; which was referred to a select committee.

*Ordered*, That Messrs. Oliver, Logan, and Waters, be said committee.

Mr. Darnielle presented the petition of citizens of Sangamon county, praying for a division of said county; which was referred to the committee on Counties, together with other papers on file on clerk's table, relating to the same subject.

Mr. Green presented the remonstrance of citizens of Clay county, against a removal of the county seat of said county; which was, on his mo-

tion, filed with the bill and petition on the same subject now before this House.

Mr. Cavarly, on leave, introduced a bill for "An act to authorize John Wilson to keep a ferry across the Mississippi river;" which was read the first and second time by its title, and referred to the committee on State roads.

Engrossed bill for "An act to amend an act relative to criminal jurisprudence," under consideration, when the House adjourned yesterday, was taken up and passed.

Also, engrossed bills of the following titles, viz:

"An act to incorporate the Peoria Marine and Fire Insurance Company;"

"An act to authorize the trustees of Shawneetown to construct a Macadamized road;"

"An act to incorporate the Springfield Insurance Company;"

"An act to increase the duties of Fund Commissioner;"

"An act to prevent any assessment of damages in consequence of the location of railroads, where the land has not been actually used for the construction of said railroads."

Engrossed bill for "An act for the formation of the tenth judicial circuit of the State of Illinois," was read the third time.

Mr. Phelps moved to amend the bill by striking out the word "Peoria" in the fourth line from top.

Mr. Trumbull moved to lay the bill and amendment on the table; which was agreed to.

Engrossed bill for "An act to exempt certain articles from execution," was read the third time.

Mr. Leary moved to amend the bill by adding as follows:

"This act shall not affect any contracts entered into before its passage;"

Which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Baldwin, Bennett, Brown of Vermilion, Busey, Cox, Cunningham, Darnielle, Drummond, Francis, Gillespie, Hardin, Hull, Kelly, Kitchell, Laughlin, Leary, Logan, McClernand, McClurken, Menard, Phelps, Reynolds, Threlkeld, and Wood—26.

Those who voted in the negative, are,

Messrs. Barnett, Beall, Bentley, Bissell, Blackman, Bradford, Brown of Sangamon, Canady, Carpenter, Cavarly, Charles, Courtright, Crain, Denny, Dodge, Dollins, Dougherty, Dunlap, Edwards, Emmerson, English, Froman, Funk, Green, Hankins, Henderson, Hicks, Lester, Lincoln, McDonald, McGinnis, McLean, Marshall, Minshall, Moore, Munsell, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parkinson, Parsons, Peck, Phillips, Ross, Scott, Thornton, Trumbull, Turney, Waters, Webb, Wheeler, White, Wilson, Woodson, and Mr. Speaker—58.

Mr. Cavarly moved to refer the bill to a select committee; which was not agreed to, and the bill was passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Engrossed bill for "An act in relation to an act to incorporate the

Exeter Manufacturing Company," approved March 1, 1839; was read the third time.

And on the question—"Shall the bill pass?"

It was decided in the negative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Beall, Bentley, Bissell, Blackman, Busey, Carpenter, Cavarly, Courtright, Cox, Dodge, Dougherty, Edwards, Gillespie, Green, Hardin, Henderson, Hull, Logan, McGinnis, McLean, Menard, Minshall, Murphy of Cook, Odam, Ormsbee, Parkinson, Reynolds, Scott, Waters, Webb, White, Woodson, and Mr. Speaker—34.

Those who voted in the negative, are,

Messrs. Bailey, Baldwin, Barnett, Bennett, Bradford, Brown of Sang., Brown of Vermilion, Canady, Charles, Crain, Cunningham, Darnielle, Denny, Dunlap, Emmerson, English, Francis, Froman, Funk, Hicks, Kelly, Kitchell, Laughlin, Leary, Lester, Lincoln, McClernand, McClurken, McDonald, Marshall, Moore, Munsell, Murphy of Perry, Olds, Oliver, Parsons, Peck, Phelps, Phillips, Ross, Shepley, Thornton, Threlkeld, Trumbull, Turney, Wheeler, Wilson, and Wood—48.

A message from the Senate, by Mr. Berry, their Assistant Secretary :

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives, that they have passed bills of the following titles, viz:

"A bill for an act to facilitate the collection of judgments by executors and administrators;"

"A bill for an act to incorporate the Nauvoo House Association;"

"A bill for an act to enable the trustees of Juliet to levy a tax, and to pay liabilities against said town;"

"A bill for an act to relocate a part of the State road from Carmi to Mount Carmel;"

"A bill for an act to amend an act to incorporate the city of Springfield;" approved February 3, 1840.

In which they ask the concurrence of the House of Representatives.

They have also concurred with the House of Representatives in the passage of bills of the following titles:

"A bill for an act to authorize the county commissioners of Brown county to appoint an assessor;"

"A bill for an act, making compensation to John L. Heffington and others, for the apprehension of Aaron and William Todd;"

"A bill for an act concerning the revenue in Bond county;"

"A bill for an act changing the name of the town of Chatham, in White-side county;"

"A bill for an act to authorize James M. Strode to build a dam across Fox river;"

"A bill for an act to compel the school commissioner of Cook county to pay over certain monies to the school commissioners of Will, Du Page, McHenry, and Lake counties;"

"A bill for an act to locate a State road in Bond, Madison, and St. Clair counties."

They have also concurred with the House of Representatives in the passage of bills of the following titles, viz:

"A bill for an act to vacate town plats;"

“A bill for an act to extend the limits of Bond county, as amended by them.”

In which they ask the concurrence of the House of Representatives.

A message from the Senate, by Mr. Stadden, a Senator:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives, that they have concurred with them in the passage of the following resolution:

*Resolved by the House of Representatives, the Senate concurring herein,* That the General Assembly will adjourn *sine die*, on the 1st day of March, 1841, and that the hour of adjournment shall be at 9 o'clock, A. M.

A message from the Senate, by Mr. Stapp, a Senator:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives, that they have indefinitely postponed the further consideration of the following resolution:

*Resolved by the House of Representatives, the Senate concurring herein,* That both branches of the General Assembly convene in the Hall of the House of Representatives on Friday the 12th of this inst., at 2 o'clock, P. M. in order to elect one State's Attorney for the third Judicial Circuit; also, State's Attorneys for the 1st, 6th, 7th, and 9th Judicial Circuits; also, a President, acting Commissioner and Treasurer of the Canal Board.

Engrossed bill for “An act supplemental to an act, defining the duties of public printer, and fixing the time and manner of performing the same;”

Also for “An act in relation to paupers,” were severally read the third time, and passed.

*Ordered,* That the titles be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Also, Senate bills for “An act to locate permanently the seat of justice of Logan county;”

Also, for “An act authorizing administrators to settle estates in particular cases,” were severally read the third time, and passed.

*Ordered,* That the titles be as aforesaid, and that the Clerk inform the Senate thereof.

Engrossed bill for “An act to amend an act, providing for the payment of grand and petit jurors,” approved February 13, 1835, was read the third time, and passed, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bailey, Baldwin, Barnett, Bennett, Bentley, Bissell, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Cavarly, Charles, Courtright, Cox, Crain, Cunningham, Darnielle, Denny, Dollins, Drummond, Dunlap, Edwards, English, Francis, Froman, Funk, Gillespie, Green, Hankins, Hardin, Henderson, Hicks, Hull, Kelly, Kitchell, Laughlin, Leary, Lester, Lincoln, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Menard, Minshall, Moore, Munsell, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parkinson, Parsons, Peck, Phelps, Phillips, Reynolds, Ross, Scott, Thornton, Threlkeld, Trumbull, Turney, Waters, Wheeler, White, Wilson, Woodson, Wood, and Mr. Speaker—77.

Those who voted in the negative, are,

Messrs. Archer, Dodge, Dougherty, McLean, and Webb—5.

Engrossed bill for “An act to amend the act incorporating Agricultural Societies,” was read the third time.

Mr. Denny moved to fill the first blank in the second section with "first" and the second blank with "December;" which was agreed to, and the bill was passed, as amended.

Senate bill for "An act to amend an act to authorize Henry W. Cleveland to build a bridge across the Winnebago swamp," approved February 19, 1839, was read the third time, as amended, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence in said amendments.

Senate bill for "An act to provide for the safe keeping and disbursement of the public revenue," was read the third time, as amended by the House.

Mr. Kitchell demanded a call of the House; which having continued some time, and the absentees being Messrs. Able, Beall, Carpenter, English, Humphrey, and Reynolds.

On motion of Mr. Trumbull,

Further proceedings under the call were dispensed with.

Mr. Kitchell moved the House adjourn until 2 o'clock; which was not agreed to, and after further discussion on the said bill,

On motion of Mr. Trumbull,

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Drummond from the select committee to which was referred a bill for "An act to define the bounds of Boone county," reported the same back to the House with an amendment, as a substitute; which was read and concurred in, and the bill

*Ordered* to a third reading.

Mr. Leary, from the select committee to which was referred a bill for a State road, reported without amendment, and recommended its passage, when the bill was

*Ordered* to be engrossed.

Mr. Trumbull demanded a call of the House; proceedings under which having continued some time.

The following members being absent, Messrs. Archer, Bissell, Brown of Ver., Dougherty, Gillespie, Gridley, Hankins, Humphrey, McDonald, McGinnis, McLean, Murphy of Cook, Olds, Oliver, Peck, Prentice, Ross, White, and Wilson.

On motion of Trumbull,

Further proceedings under the call were dispensed with.

Mr. Crain, from the committee on Engrossed Bills, reported as correctly engrossed, bills of the following titles:

"An act to establish a ferry across the Mississippi river in Pike county;"

"An act to establish a turnpike road from Springfield, via Beardstown to Quincy, and from Beardstown to Warsaw;"

"An act to incorporate the town of Rock Island, in Rock Island county;"

"An act for the relief of the late collector of Fulton county."

Senate bills of the following titles were severally read the third time, and passed.

"An act authorizing an additional justice of the peace, and constable in the town of Florence, in Pike county;"

"An act concerning county seats and county lines," was read the third time.

Mr. Ormsbee moved the indefinite postponement of the bill,  
Which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Barnett, Bentley, Blackman, Busey, Carpenter, Dollins, Emmerson, Francis, Froman, Hicks, Kitchell, Laughlin, Leary, Lester, McLean, Minshall, Murphy of Perry, Odam, Ormsbee, Parsons, Shepley, Turney, Wheeler, and Mr. Speaker—24.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Baldwin, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Cavarly, Charles, Courtright, Cox, Crain, Cunningham, Darnielle, Denny, Drummond, Dunlap, Edwards, English, Funk, Hardin, Henderson, Hull, Kelly, Lincoln, Logan, McClurken, McDonald, Marshall, Menard, Moore, Munsell, Parkinson, Phelps, Phillips, Reynolds, Ross, Scott, Thornton, Threlkeld, Troy, Trumbull, Webb, Wilson, Woodson, and Wood—49.

When the bill was passed, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bailey, Baldwin, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Cavarly, Charles, Courtright, Cox, Crain, Darnielle, Denny, Drummond, Dunlap, Edwards, English, Funk, Gridley, Hardin, Henderson, Hicks, Hull, Kelly, Lincoln, Logan, McDonald, McGinnis, Menard, Minshall, Munsell, Olds, Parkinson, Phelps, Phillips, Reynolds, Ross, Thornton, Threlkeld, Troy, Trumbull, Turney, Webb, Wilson, Woodson, Wood, and Mr. Speaker—50.

Those who voted in the negative, are,

Messrs. Barnett, Bentley, Blackman, Carpenter, Cunningham, Dollins, Dougherty, Emmerson, Francis, Froman, Green, Kitchell, Laughlin, Leary, Lester, McClernand, McClurken, McLean, Marshall, Moore, Murphy of Perry, Odam, Ormsbee, Parsons, Scott, Shepley, Waters, and Wheeler—28.

Senate bills of the following titles were severally read the third time, and passed.

"An act to incorporate the Bond county Academy;"

"An act for the relief of the sheriff of Schuyler county;"

"An act authorizing the county commissioner of Monroe county to borrow money for certain purposes;"

"An act to authorize the Madison county ferry company to construct a road or causeway."

Ordered, That the titles be as aforesaid, and that the Clerk inform the Senate thereof.

Enrolled bills for "An act authorizing the sheriff of Gallatin county to make a deed to Daniel Wood for a tract of land therein named; was taken up together with the objections of the Council of Revision, which were read, and

On motion of Mr. Cavarly,

Were recommitted to the committee on the Judiciary.



Senate bill for "An act to provide for the safe keeping and disbursement of the public revenue;" which was under consideration, when the House adjourned at noon, was taken up, and after much discussion thereon,

Mr. Murphy of Perry, moved to lay the bill on the table.

Mr. Trumbull demanded a call of the House.

The roll having been called, the following members were absent, Messrs. Beall, Bentley, Humphrey, McGinnis, Murphy of Cook.

Pending the call,

Mr. Ross, on leave, introduced a bill for "An act concerning certain monies therein named;" which was read the first time, and refused a second reading, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Barnett, Bennett, Bentley, Bissell, Blackman, Brown of Vermilion, Busey, Canady, Cavarly, Courtright, Crain, Dodge, Dollins, Dunlap, English, Green, Hankins, Hicks, Kelly, Lester, McClelland, McClurken, McDonald, McLean, Marshall, Moore, Murphy of Perry, Olds, Ormsbee, Parsons, Peck, Ross, Shepley, Trumbull, Wheeler, and Mr. Speaker—37.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Bradford, Brown of Sangamon, Carpenter, Charles, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Hull, Kitchell, Laughlin, Leary, Lincoln, Logan, Menard, Minshall, Munsell, Murphy of Cook, Odam, Oliver, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Turney, Waters, Webb, Wilson, Woodson, and Wood—45.

On motion of Mr. Peck,

A bill for "An act to license auctioneers, merchants, money brokers and others;"

Also, a bill for "An act to provide for the payment of interest on the State debt;"

Also, a bill for "An act in relation to recording of deeds;" reported from the Finance-committee, and laid on the table at a previous day, were taken up, and on his further motion, referred to a committee of the Whole House, and made the special order of the day for Monday next.

The doorkeeper having reported under the call; the question recurring

On motion of Mr. Murphy of Perry,

To lay the bill for "An act to provide for the safe keeping and disbursement of the public revenue," on the table,

It was decided in the negative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Carpenter, Charles, Courtright, Cox, Cunningham, Darnielle, Denny, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Green, Hardin, Henderson, Hull, Laughlin, Logan, McLean, Menard, Murphy of Perry, Oliver, Parkinson, Phelps, Phillips, Reynolds, Shepley, Threlkeld, Troy, Waters, Woodson, and Mr. Speaker—41.

Those who voted in the negative, are,

Messrs. Baldwin, Barnett, Bentley, Bissell, Blackman, Cavarly, Crain, Dodge, Dollins, Dougherty, Drummond, Dunlap, English, Gridley, Hankins, Hicks, Kelly, Kitchell, Leary, Lester, Lincoln, McClernand, McClurken, McDonald, McGinnis, Marshall, Minshall, Moore, Munsell, Murphy of Cook, Odam, Olds, Ormsbee, Parsons, Peck, Ross, Thornton, Trumbull, Turney, Webb, Wheeler, White, Wilson, and Wood—44.

Mr. Trumbull moved the previous question,

And on the question—"Shall the main question be now put?"

It was decided in the negative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Baldwin, Barnett, Bentley, Bissell, Blackman, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dunlap, English, Hankins, Hicks, Kelly, Kitchell, Lester, Lincoln, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Munsell, Murphy of Cook, Olds, Ormsbee, Parsons, Peck, Ross, Thornton, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—42.

Those who voted in the negative, are,

Messrs. Bailey, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Green, Gridley, Hardin, Henderson, Hull, Laughlin, Leary, McLean, Menard, Minshall, Murphy of Perry, Odam, Oliver, Parkinson, Phelps, Phillips, Reynolds, Shepley, Threlkeld, Troy, Waters, Webb, and Woodson—43.

A message from the Senate, by Mr. Nunnally, a Senator:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives, that they have passed a bill of the following title, to wit:

"A bill for an act to establish Circuit Courts."

In the passage of which they ask the concurrence of the House of Representatives.

A message from the Senate, by Mr. Nunnally, a Senator:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives, that they have passed bills of the following titles:

"An act to provide means for paying interest on canal loans, and amending the several laws in relation to the sale of canal lands and lots;"

"An act supplemental to an act, to amend an act in relation to taverns and groceries."

In the passage of which, they ask the concurrence of the House of Representatives.

A message from the Senate, by Mr. Nunnally, a Senator:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have passed the following resolution:

*Resolved by the Senate, the House of Representatives concurring herein,* That the two Houses will meet in the Hall of the House of Representatives on Saturday next, at 2 o'clock, P. M., for the purpose of electing five additional judges of the supreme court,

In which they ask the concurrence of the House of Representatives.

On motion of Mr. Leary,

The bill was referred to the committee on Banks and other Corporations, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Bennett, Bentley, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Buscy, Canady, Carpenter, Charles, Courtright, Cox, Cunningham, Darnielle, Denny, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Green, Gridley, Hardin, Henderson, Hicks, Hull, Laughlin, Leary, Logan, McLean, Menard, Murphy of Perry, Odam, Oliver, Parkinson, Phelps, Phillips, Reynolds, Scott, Shepley, Threlkeld, Troy, Waters, Woodson, and Mr. Speaker—49.

Those who voted in the negative, are,

Messrs. Baldwin, Barnett, Bissell, Cavarly, Crain, Dodge, Dollins, Dougherty, Dunlap, English, Hankins, Kelly, Kitchell, Lester, Lincoln, McClernand, McClurken, McDonald, McGinnis, Marshall, Minshall, Moore, Munsell, Murphy of Cook, Olds, Ormsbee, Parsons, Peck, Poss, Thornton, Trumbull, Turney, Webb, Wheeler, Wilson, and Wood—36.

When,

On motion,

The House adjourned.

## FRIDAY, FEBRUARY 12, 1841.

House met pursuant to adjournment.

Mr. Crain, from the committee on Engrossed Bills, reported as correctly engrossed, bills of the following titles:

“An act requiring the county commissioners’ court of Edgar county, to establish an additional election precinct in said county;”

“An act to authorize the county commissioners’ clerk of Du Page county, to keep his office as at present located;”

“An act incorporating the Phoenix Insurance Company.”

Mr. Thornton presented the petition of citizens of Stephenson, Rock Island county, for a ferry across the Mississippi river; which, without reading, on his motion, was referred to the committee on State Roads.

Mr. Bennett, on leave, introduced a bill for “An act to extend the boundaries of Menard county, and for other purposes;” which was read the first time, and

*Ordered to a second reading.*

Mr. Denny, on leave, introduced a bill for “An act supplemental to an act, concerning justices of the peace and constables,” approved February 3, 1827; which was read the first time, and the second time by its title, and referred to the committee on the Judiciary.

Mr. Parsons, on leave, introduced a bill for “An act to provide for the levying of taxes for school purposes in Griggsville, in Pike county;” which was read the first time, and the second time by its title, and referred to the committee on Education.

Mr. Gridley, from the committee on Militia, to which was referred the bill for “An act to repeal so much of the militia law as allows a compen-

sation to brigade majors," reported the same back to the House with an amendment; which was read and concurred in; when,

Mr. Hardin moved that the bill be laid on the table; which was agreed to.

Mr. Kitchell, from the committee on the Judiciary, to which was referred the bill for "An act supplemental to an act, to incorporate the Mount Carbon Coal Company, to increase the capital of said company to one million of dollars, for the purposes hereinafter mentioned," reported the same back to the House with an amendment; which was read and concurred in, when,

On motion of Mr. Logan,

The rules of the House were dispensed with, the bill was read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Hardin, from the Judiciary Committee, reported a bill for "An act for the redemption of the Wiggins loan," which was read the first time, and the second time by its title, and

On motion of Mr. Dollins,

Referred to the committee on Finance.

The hour of 10 o'clock having arrived, the House proceeded to the consideration of the orders of the day, and

Senate bills of the following titles were severally read the third time as amended, and passed, to wit:

"An act to amend an act, entitled 'An act to incorporate the town of Kaskaskia,' approved January 6, 1818;

"An act to incorporate the Cairo City Mills;"

"An act to authorize the county commissioners of Pike county to execute a certain conveyance;"

"An act to incorporate the Western Marine and Fire Insurance Company;"

"An act to amend the several acts to extend the corporate powers of the town of Peoria;"

"An act to regulate foreign insurance company agencies established in the State of Illinois."

*Ordered*, That the titles be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence in the amendments thereto.

Senate bill for "An act to define the bounds of Boone county;" was read the third time, and

Mr. Murphy of Cook, moved to amend the bill by striking out the first section of the amended bill; which was not agreed to; when,

On motion of Mr. Murphy of Cook,

The bill was laid on the table.

Senate bills of the following titles were severally read the third time, and passed, to wit:

"An act to incorporate the Payson Academy;"

"An act to incorporate the Schuyler City Manufacturing Company;"

"An act to establish a State road from York in Clark county to Warton, in Clay county."

*Ordered*, That the titles be as aforesaid, and that the Clerk inform the Senate thereof.

Senate bill for "An act to amend an act, entitled 'An act to incorporate the Jo Daviess Marine and Fire Insurance Company,'" coming up for consideration,

On motion of Mr. Drummond,

The bill was amended by striking out the fifth section; when the bill was read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof.

Senate bill for "An act for the relief of certain securities therein named," was read the third time, and passed, as amended, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Barnett, Beall, Bennett, Bissell, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Carpenter, Cavarly, Cox, Cunningham, Darnielle, Denny, Dodge, Dollins, Drummond, Dunlap, Edwards, Emmerson, English, Froman, Funk, Green, Hardin, Henderson, Hicks, Hull, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, Marshall, Munsell, Murphy of Cook, Murphy of Perry, Oliver, Ormsbee, Parsons, Peck, Phelps, Phillips, Reynolds, Shepley, Troy, Trumbull, Turney, Waters, West, Wheeler, White, Wilson, and Woodson—61.

Those who voted in the negative, are,

Messrs. Bentley, Charles, Dougherty, Francis, Hankins, Lincoln, McGinnis, McLean, Menard, Minshall, Moore, Odam, Olds, Parkinson, Ross, Scott, Thornton, Threlkeld, Webb, Wood, and Mr. Speaker—21.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence in the amendments thereto.

Senate bill for "An act for the reorganization and regulation of common schools," coming up for consideration on its third reading,

Mr. Charles moved that the bill be referred to a select committee.

Mr. Parsons moved that the bill be laid on the table and printed.

Mr. Hardin demanded a division of the question; when the bill was laid on the table,

And the motion to print was lost, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Barnett, Bentley, Bissell, Blackman, Busey, Cavarly, Crain, Dodge, Dollins, Dunlap, English, Funk, Green, Hankins, Henderson, Hicks, Humphrey, Laughlin, Leary, Lester, Logan, McClernand, McGinnis, Marshall, Munsell, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Phillips, Reynolds, Ross, Scott, Threlkeld, Wheeler, White, and Wood—39.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Carpenter, Charles, Courtright, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Edwards, Emmerson, Froman, Hardin, Hull, Kelly, Kitchell, Lincoln, McClurken, McLean, Menard, Minshall, Moore, Murphy of Perry, Parkinson, Phelps, Shepley, Thornton, Troy, Trumbull, Turney, Waters, Webb, Wilson, Woodson, and Mr. Speaker—43.

On motion of Mr. Odam,

The House reconsidered its vote on laying the bill on the table.

Mr. Peck moved the previous question; when,

On motion of Mr. Hardin,

The motion for the previous question, was laid on the table; and the question recurring on the motion to refer the bill to a select committee,

Mr. Hardin moved the following instructions to the committee.

“To make the bill conform to the present laws on the subject of the distribution of the interest of the school fund amongst children who go to school, and to the present system of the organization of schools.”

Mr. Dollins moved to lay the motion to refer on the table,

Which was decided in the negative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Barnett, Bentley, Blackman, Busey, Carpenter, Courtright, Cunningham, Dodge, Dollins, Emmerson, English, Froman, Funk, Green, Hankins, Hicks, Humphrey, Kelly, Leary, Lester, Logan, McDonald, McGinnis, McLean, Marshall, Moore, Munsell, Murphy of Perry, Odam, Oliver, Ormsbee, Parsons, Reynolds, Scott, Shepley, Threlkeld, Turney, Waters, Wheeler, White, and Wood—41.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bissell, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Cavarly, Charles, Cox, Crain, Darnielle, Denny, Dougherty, Drummond, Dunlap, Edwards, Francis, Hardin, Henderson, Hull, Kitchell, Laughlin, Lincoln, McClurken, Menard, Minshall, Parkinson, Peck, Phelps, Phillips, Ross, Thornton, Troy, Webb, West, Wilson, Woodson, and Mr. Speaker—41.

And the question recurring on the motion to refer with instructions,

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bissell, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Cavarly, Charles, Cox, Crain, Darnielle, Denny, Dodge, Dougherty, Drummond, Dunlap, Edwards, Francis, Funk, Hardin, Henderson, Hull, Kitchell, Laughlin, Lester, Lincoln, McGinnis, Menard, Minshall, Parkinson, Peck, Phelps, Phillips, Ross, Thornton, Troy, Webb, West, Wilson, and Woodson—42.

Those who voted in the negative, are,

Messrs. Bentley, Blackman, Busey, Carpenter, Courtright, Cunningham, Dollins, Emmerson, English, Froman, Funk, Green, Hankins, Hicks, Humphrey, Kelly, Logan, McClernand, McClurken, McDonald, Marshall, Moore, Munsell, Murphy of Perry, Odam, Oliver, Ormsbee, Parsons, Reynolds, Scott, Shepley, Thielkeld, Turney, Waters, Wheeler, White, Wood, and Mr. Speaker—37.

Ordered, That Messrs. Charles, Hardin, Murphy of Perry, Dollins, and Edwards, be said committee.

Senate bill for “An act regulating the sale of property,” was read the first time; when,

Mr. Kitchell demanded a call of the House, and the roll being called over, it appeared that the following members were absent.

Messrs. Baldwin, Gillespie, Gridley, Murphy of Cook, Shepley and Trumbull.

Mr. McClernand moved to dispense with the rules of the House, and

read the bill now a second time by its title; which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Barnett, Bentley, Blackman, Busey, Carpenter, Cavarly, Charles, Courtright, Crain, Dodge, Dollins, Dunlap, Edwards, English, Francis, Funk, Green, Gridley, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Lester, Logan, McClernand, McDonald, McLean, Marshall, Minshall, Murphy of Perry, Odam, Oliver, Olds, Ormsbee, Parsons, Peck, Reynolds, Ross, Troy, Turney, Waters, Wheeler, White, and Mr. Speaker—46.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bissell, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Emmerson, Froman, Hardin, Henderson, Hull, Leary, Lincoln, McClurken, McGinnis, Moore, Munsell, Parkinson, Phelps, Phillips, Thornton, Threlkeld, Webb, West, Wilson, Woodson, and Wood—36.

Two-thirds not voting in the affirmative, the rules were not dispensed with.

House bill for "An act to provide for the collection of taxes, for the year 1839, in Cass county," with the Senate amendments thereto, coming up for consideration.

The amendments of the Senate were read and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

Senate resolution for the election of five additional judges of the supreme court on Saturday next, coming up for consideration,

Mr. McClernand moved to amend the same by adding also, a "President, Acting Commissioner and Treasurer of the Canal Board."

Mr. Webb demanded the previous question; which was sustained.

And the question being on agreeing to the amendment proposed by Mr. McClernand,

It was agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Beall, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Cox, Cunningham, Darnielle, Dodge, Dougherty, Drummond, Dunlap, Emmerson, English, Francis, Froman, Funk, Gridley, Hardin, Henderson, Hull, Lincoln, Logan, McClernand, McLean, Marshall, Menard, Minshall, Munsell, Murphy of Perry, Odam, Ormsbee, Parkinson, Peck, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Webb, West, Woodson, and Mr. Speaker—46.

Those who voted in the negative, are,

Messrs. Bailey, Barnett, Bennett, Bentley, Bissell, Busey, Carpenter, Cavarly, Charles, Courtright, Crain, Denny, Dollins, Edwards, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Lester, McClurken, McDonald, McGinnis, Moore, Olds, Oliver, Parsons, Ross, Scott, Turney, Waters, Wheeler, White, Wilson, and Wood—37.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives, that they have passed bills of the following titles:

"An act to prevent collectors from speculating on Auditor's warrants;"

"An act to amend and explain the election law," approved January 10, 1839.

In the passage of which, they ask the concurrence of the House of Representatives.

They have concurred with the House of Representatives in the passage of bills of the following titles, to wit:

"An act to authorize the building of a toll draw-bridge across the Calumet river;"

"An act to sell the school section in township 14, north range 8 east, of the 4th principal meridian."

They have also concurred with the House of Representatives in the passage of a bill for "An act concerning public roads as amended by them.

In which amendments, they ask the concurrence of the House of Representatives.

A message from the Senate, by Mr. Nunnally, a Senator:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives, that they have indefinitely postponed a bill for "An act in relation to summoning witnesses."

A message from the Senate, by Nunnally, a Senator:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives, that they have concurred with them in the passage of a bill entitled "An act to create the county of Kendall, as amended by them."

In which amendments, they ask the concurrence of the House of Representatives.

They have also concurred with the House of Representatives in the passage of a bill for "An act to create the county of Grundy, from the county of La Salle;" when,

On motion,

The House adjourned to 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Crain, from the committee on Engrossed Bills, reported as correctly engrossed, the following bill for "An act to locate a State road."

Senate bills for "An act authorizing a school district in Vermilion county, and authorizing the sale of school lands therein;"

"An act to authorize the county commissioners of Jefferson county to borrow money;"

"An act to incorporate the Philomathean Society of Mount Carmel, Illinois;"

"An act declaring a certain road in Fulton county a State road;"

"An act in relation to the public square in the original town of Ottawa;"

"An act to locate a State road from Columbus to Houston, in Adams county;"

"An act to amend the act, entitled 'An act confirming grants of property made for the encouragement of education, and for other purposes,' approved February 1st, 1831;



"An act to legalize the acts of Samuel C. McClure, as probate justice of the peace of Ogle county;"

"An act to enable the executors of James Hughes, deceased, to sell real estate for the payment of debts, and the redemption of land;" were severally read the second time, and

*Ordered* to a third reading.

Senate bill for "An act regulating evidence in certain cases," was read the second time, and,

On motion of Mr. Leary,

Referred to the committee on the Judiciary.

Senate bill for "An act to amend an act simplifying proceedings at law, for the collection of debts, approved February 25th, 1833, was read the second time, and referred to the committee on the Judiciary.

Senate bill for "An act to limit the tenure of public administrators, notaries public, and masters in chancery," was read the second time, and,

On motion of Mr. Dougherty,

Referred to a select committee.

*Ordered*, That Messrs. Dougherty, Hardin, and McLean be said committee.

Senate resolution in relation to election of judges on Saturday next, with the disagreeing vote of the Senate to the House amendment thereto, coming up for consideration,

And the question being put—"Will the House recede from their amendments thereto?"

It was decided in the negative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Barnett, Bissell, Blackman, Carpenter, Cavarly, Courtright, Crain, Dollins, Green, Gridley, Hicks, Humphrey, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Minshall, Moore, Munsell, Murphy of Perry, Olds, Oliver, Parsons, Ross, Scott, Shepley, Trumbull, Turney, Waters, Wheeler, White, Wilson, Wood, and Mr. Speaker—40.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bentley, Bradford, Brown of Sangamon, Busey, Canady, Cox, Cunningham, Darnielle, Denny, Dodge, Dougherty, Drummond, Dunlap, Edwards, Emmerson, English, Francis, Froman, Funk, Hankins, Hardin, Henderson, Hull, Lincoln, McLean, Marshall, Menard, Odam, Ormsbee, Parkinson, Peck, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Webb, West, and Woodson—44.

Senate bill for "An act to locate a State road from Shelbyville to Mint Point in Coles county," was read the second time, and,

On motion of Mr. McLean,

Referred to a select committee.

*Ordered*, That Messrs. McLean, Cunningham, and Wilson be said committee.

Senate bill for "An act to amend an act, entitled 'An act concerning Jails and Jailors,'" approved January 29th, 1827, was read the second time, and,

On motion of Mr. Parsons,

Referred to the committee on the Judiciary.

House bill for "An act to prevent the further sale of State bonds, except for specific purposes therein set forth," was read the second time, when Mr.

Peck moved to refer the bill to the committee on Canals and Canal Lands.

Mr. Munsell demanded a call of the House,

And the roll being called over, it appeared the following members were not in their seats:

Messrs. Brown of Vermilion, Carpenter, Gillespie, Kelly, Kitchell, and Murphy of Cook.

Mr. Ormsbee moved to dispense with further proceedings under the call; which was not agreed to.

Pending the call of the House,

House bill for "An act supplemental to an act, entitled 'An act amending the several acts incorporating the town of Galena,'" approved February 15th, 1839.

On motion of Mr. McClernand,

The following proviso was added to the bill:

"*Provided, always,* That so much of the act or acts incorporating Shawneetown, shall be repealed, as prescribes that no inhabitants of said town shall be entitled to vote for trustees of said town, who does not own one or more lots in said town." When the bill, as amended, was

*Ordered* to be engrossed.

House bill for "An act to revive an act, entitled 'An act to amend an act relative to criminal jurisprudence,'" approved January 19, 1829, was read the second time; when

The Doorkeeper having reported under the call,

The House resumed the consideration of the bill for "An act to prevent the further sale of State bonds except for specific purposes therein set forth;"

And the question being on the motion of Mr. Peck to refer the bill to the committee on Canals and Canal Lands,

It was decided in the negative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Barnett, Courtright, Crain, Darnielle, Dodge, Dougherty, Edwards, English, Green, Hankins, Hull, Humphrey, Leary, Lincoln, Logan, McClernand, McDonald, Murphy of Cook, Murphy of Perry, Peck, Phelps, Reynolds, Ross, Scott, Shepley, Wheeler, White, Wood, and Mr. Speaker—30.

Those who voted in the negative, are,

Messrs. Bailey, Baldwin, Beall, Bennett, Bentley, Bissell, Blackman, Bradford, Brown of Vermilion, Busey, Canady, Carpenter, Cavarly, Charles, Cox, Cunningham, Denny, Dollins, Drummond, Dunlap, Emmerson, Francis, Froman, Funk, Gridley, Hardin, Henderson, Hicks, Kitchell, Laughlin, Lester, McClurken, McGinnis, McLean, Marshall, Menard, Minshall, Moore, Munsell, Odani, Olds, Oliver, Ormsbee, Parkinson, Parsons, Phillips, Thornton, Threlkeld, Troy, Trumbull, Turney, Webb, West, Wilson, and Woodson—56.

Mr. McClernand moved to amend the bill by adding the following proviso:

"*Provided, always,* That the Fund Commissioner shall be authorized to exchange State bonds, at par value, for scrip issued by the Railroad Commissioners, in conformity with law."

Mr. Munsell demanded the previous question; which was sustained;

And the question being put on agreeing to the amendment proposed by Mr. McClernand,

It was decided in the negative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Beall, Bennett, Brown of Sangamon, Brown of Vermilion, Busey, Courtright, Darnielle, Denny, Dodge, Drummond, Dunlap, Edwards, Green, Hardin, Henderson, Hull, Leary, Lester, Lincoln, McClernand, McDonald, Marshall, Menard, Munsell, Murphy of Cook, Peck, Phelps, Phillips, Reynolds, Ross, Scott, Turney, White, and Wood—35.

Those who voted in the negative, are,

Messrs. Bailey, Baldwin, Barnett, Bentley, Bissell, Blackman, Bradford, Canady, Carpenter, Cavarly, Charles, Cox, Crain, Cunningham, Dollins, Dougherty, Emmerson, English, Francis, Froman, Funk, Gridley, Hankins, Hicks, Humphrey, Kitchell, Laughlin, McClurken, McGinnis, McLean, Minshall, Moore, Murphy of Perry, Odam, Oliver, Olds, Ormsbee, Parkinson, Parsons, Thornton, Threlkeld, Troy, Trumbull, Webb, West, Wheeler, Wilson, Woodson, and Mr. Speaker—49.

And the question being put on ordering the bill to be engrossed,

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bailey, Baldwin, Beall, Bennett, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Carpenter, Charles, Courtright, Cox, Crain, Cunningham, Darnielle, Denny, Dollins, Dunlap, Edwards, Emmerson, Francis, Froman, Funk, Gridley, Hankins, Hardin, Hicks, Kitchell, Lester, McClurken, McGinnis, McLean, Marshall, Menard, Minshall, Moore, Munsell, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parkinson, Parsons, Peck, Phillips, Reynolds, Thornton, Threlkeld, Troy, Trumbull, Turney, Waters, Webb, West, Wilson, and Woodson—59.

Those who voted in the negative, are,

Messrs. Archer, Barnett, Bentley, Bissell, Cavarly, Dodge, Dougherty, Drummond, English, Green, Henderson, Hull, Humphrey, Laughlin, Leary, Lincoln, McClernand, McDonald, Murphy of Cook, Phelps, Ross, Scott, Wheeler, White, Wood, and Mr. Speaker—26.

When the House again resumed the consideration of the bill for "An act to revive an act, entitled 'An act to amend an act relative to criminal jurisprudence,'" approved January 19, 1829.

And Mr. Webb moved to lay the bill on the table; which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Crain, Cunningham, Dodge, Dollins, Dunlap, Gridley, Hankins, Lincoln, McClernand, Marshall, Menard, Moore, Murphy of Cook, Ormsbee, Peck, Reynolds, Threlkeld, Trumbull, Turney, Webb, White, and Wood—23.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bentley, Bissell, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Carpenter, Cavarly, Courtright, Darnielle, Denny, Dougherty, Edwards, Emmerson, English, Francis, Froman, Funk, Green, Hardin, Henderson, Hicks, Hull, Humphrey, Kitchell, Laughlin, Leary, Lester, McClurken, McDonald, McGinnis, McLean, Minshall, Munsell, Murphy of Perry, Odam, Olds, Oliver, Parkinson, Parsons, Phelps, Phillips, Ross, Scott, Thornton, Troy, Waters, West, Wheeler, Wilson, Woodson and Mr. Speaker—57.

When the bill was

*Ordered* to be engrossed.

On motion of Mr. Cavarly,

The bill for the apportionment of representation in the several counties of this State, was taken up for consideration, and committed to a committee of the Whole House, and made the special order of the day for Wednesday next.

On motion of Mr. Brown of Vermilion,

The bill for "An act providing for letting the works of internal improvement to persons or companies, and for other purposes," was taken up for consideration, and committed to a committee of the Whole House, and made the special order of the day for Thursday next.

House bill for "An act to suspend an act to reorganize the Judiciary of Illinois," was read the second time, and Mr. McClernand moved to refer the bill to the committee on the Judiciary.

Mr. Dollins moved the indefinite postponement of the bill;

And the question being put on the motion to refer the bill to the committee on the Judiciary,

It was decided in the negative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bailey, Baldwin, Bentley, Bissell, Busey, Carpenter, Courtright, Crain, Dodge, English, Green, Hankins, Hicks, Humphrey, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Perry, Odam, Olds, Oliver, Parsons, Peck, Phelps, Ross, Shepley, Trumbull, Wheeler, White, Wood, and Mr. Speaker—38.

Those who voted in the negative, are,

Messrs. Archer, Beall, Bennett, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Cavarly, Charles, Cox, Darnielle, Denny, Dollins, Dougherty, Drummond, Dunlap, Edwards, Emmerson, Francis, Froman, Funk, Gridley, Hardin, Henderson, Hull, Kitchell, Lincoln, McLean, Menard, Minshall, Munsell, Ormsbee, Parkinson, Phillips, Reynolds, Thornton, Threlkeld, Troy, Turney, Waters, Webb, West, Wilson, and Woodson—45.

Mr. Peck demanded a call of the House,

And the roll being called over, it appeared the following members were absent from their seats:

Messrs. Able, Barnett, Gillespie, Kelly, Murphy of Cook, and Prentice.

And pending the call of the House,

Mr. Oliver, from the select committee to which was referred a certain petition, reported a bill for "An act creating an additional justice's precinct in Johnson county;" which was read the first and second times by its title, and,

On motion of Mr. Oliver,

The rules of the House were dispensed with, and the bill was read the third time, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

House bill for "An act supplemental to an act, entitled 'An act in relation to the Charleston Seminary, and Jonesboro' College,'" approved 3d February, 1840, with the Senate amendments thereto, coming up for consideration, and the question being taken on concurring with the Senate in bill,

It was decided in the affirmative.

Senate bill for "An act to amend an act concerning judgments and executions," approved January 17th, 1825," was read the first time, and the second time by its title,

And the Doorkeeper having reported under the call of the House,

The consideration of the bill for "An act to suspend an act to reorganize the Judiciary of Illinois," was resumed;

And the question being on the motion to lay the bill on the table,

Mr. English withdrew the motion to lay on the table.

Mr. Gridley renewed the motion to lay on the table; which was decided in the negative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Barnett, Bentley, Bissell, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dunlap, English, Green, Hankins, Humphrey, Kitchell, Laughlin, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—43.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Edwards, Emerson, Francis, Froman, Funk, Gridley, Hardin, Henderson, Hicks, Hull, Leary, Lincoln, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Ross, Thornton, Threlkeld, Troy, Waters, Webb, West, and Woodson—13.

Mr. Brown of Sangamon moved the previous question; which,

On motion of Mr. English,

Was laid on the table.

Mr. English moved the reference of the bill to the committee on Finance.

Mr. Woodson moved to refer the bill to the committee on Elections;

When the question being put on the reference to the committee on Finance,

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Barnett, Bentley, Bissell, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, English, Green, Hankins, Humphrey, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Parsons, Peck, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—44.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Dunlap, Edwards, Emerson, Francis, Froman, Funk, Gridley, Hardin, Henderson, Hicks, Hull, Lincoln, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, and Woodson—12.

A message from the Senate, by Mr. Nunnally, a Senator:

Mr. Speaker: I am directed by the Senate to inform the House of Representatives that they have refused to concur in the amendment of the

House of Representatives to a resolution having for its object the election of five additional Judges of the Supreme Court, on Saturday next, as amended by them.

A message from the Senate, by Mr. Nunnally, a Senator:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have passed a bill of the following title: "An act to prevent the misapplication of public money on the line of the Illinois and Michigan Canal."

In the passage of which they ask the concurrence of the House of Representatives.

When the House resumed the consideration of the bill for "An act to amend an act concerning judgments and executions," approved January 17, 1825; which,

On motion,

Was referred to the committee on the Judiciary.

On motion of Mr. Henderson,

The bill for "An act to locate the county seat of Stark," was taken up for consideration.

Mr. Denny moved to amend by striking out all after the enacting clause and inserting a substitute; which was agreed to;

And the bill was read the third time by its title, and passed.

On motion of Mr. Henderson,

The title was amended by adding the words "and to make a certain addition to said county."

*Ordered,* That the title be as amended, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

On motion of Mr. Cavarly,

The petition of Horatio N. Belt was taken up for consideration, and referred to a select committee.

*Ordered,* That Messrs. Cavarly, Woodson, and Olds be said committee.

Senate bill for "An act to locate a State road from Columbus, in Adams county, to Brooklyn, in Schuyler county," was read the first and second times by its title, and

*Ordered* to a third reading.

Senate bill for "An act to incorporate the Farmers' Exporting Company," was read the first time, and the second time by its title, and;

On motion of Mr. Phelps,

Referred to the committee on Banks and other Corporations; when,

On motion,

The House adjourned.

SATURDAY, FEBRUARY 13, 1841.

House met pursuant to adjournment.

Mr. Crain, from the committee on Engrossed Bills, reported as correctly enrolled the following bills.

"An act in relation to the school fund;"

"An act to provide for the collection of taxes for the year one thousand eight hundred and thirty-nine, in Cass county."

Mr. Odam presented the petition of the commissioners' court of Williamson county; which, without reading, on his motion, was referred to the committee on Finance.

Mr. Wilson presented the remonstrance of citizens of Jasper county, against a division of said county; which, without reading, on his motion, was referred to the same select committee to which was referred the petitions on the same subject.

On motion of Mr. Gridley,

The bill for "An act for the formation of the county of Woodford," was taken up for consideration, and

On motion of Mr. Gridley,

The word "April" in the second line of the second section was stricken out, and the word "September" inserted.

And the following additional sections were also on his motion added to the bill.

"It shall be the duty of the clerks of elections at the several places of holding elections within the county of McLean, on the first Monday in August next, to rule separate columns on their respective poll books, in which to record the votes for and against the division of McLean county, according to the provisions of this act; and the legal voters shall on the first Monday in August next, vote for or against the proposed division of said county; and if a majority of all the votes given, shall be in favor of the division, the provisions of this act shall take effect; but unless such majority shall be given, this act shall be null and void, and the county of Woodford shall not be formed, unless the provisions of this section shall be fully complied with."

"SEC. 11. The clerk of the county commissioners' court of McLean county, shall enter on the records of his court, the whole number of votes given, for and against the division of said county."

When the bill was passed.

Ordered, That the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Peck presented the petition of citizens of Will county, praying relief for Zephaniah Holcomb; which, without reading, on his motion, was referred to the committee on Canals and Canal Lands.

Mr. Charles presented the petition of citizens of Hancock county, in relation to a State road; which, without reading, on his motion, was referred to the committee on State Roads.

On motion of Mr. Archer,

The committee on Canals and Canal Lands were instructed to enquire into the expediency of constructing the Saganaskee road; whether the same was necessary and called for in the construction of the Illinois and Michigan Canal; what loss, if any, the State has sustained thereby; and, in order to arrive at the facts, that said committee be authorized and empowered to summon, swear, and examine witnesses.

Mr. Trumbull, from the committee on the Judiciary, to which was referred the Senate bill for "An act to amend an act, concerning judgments and executions," approved January 17, 1825, reported the same back to the House without amendment; when the bill was

Ordered to a third reading.



Mr. Trumbull, also, from the same committee to which was referred the bill for "An act to amend the laws relating to the redemption of real estate," reported the same back to the House, and recommended its rejection; when the House refused to order the bill to be engrossed.

Mr. Trumbull, also, from the same committee to which was referred the bill for "An act to amend an act concerning insolvent debtors," reported the same back to the House with an amendment as a substitute; which was read and concurred in, and the bill was

*Ordered to be engrossed.*

Mr. Trumbull, also, from the same committee to which was referred the bill for "An act relating to the recording or registering of conveyances or other instruments in writing, executed out of this State, and within the United States," reported the same back to the House without amendment; when the bill was

*Ordered to be engrossed.*

Mr. Trumbull, also, from the same committee, reported a bill for "An act to enable purchasers of real estate, to ascertain whether the same is free from incumbrances, and to prevent secret liens of attachments and executions;" which was read the first time, and the second time by its title, and

*Ordered to be engrossed.*

Mr. Kitchell, from the committee on the Judiciary, to which was referred the petition of Daniel Berry for a divorce.

And the petition of citizens of Illinois, in relation to marking meal bags, reported the same back to the House, and were discharged from the further consideration of the same.

Mr. Kitchell, from the same committee to which was referred the petition of William Edwards, reported the same back to the House, and was discharged from the further consideration of the same; when,

On motion of Mr. Hardin,

The petition was laid on the table without reading.

Mr. Hardin, from the committee on the Judiciary reported a bill for "An act to repeal an act therein named;" which was read the first time, and the second time by its title, and

*Ordered to be engrossed.*

Mr. Cavarly, from the committee on the Judiciary, to which was referred the bill for "An act authorizing the sheriff of Gallatin county to make a deed to Daniel Wood, for a tract of land therein named," together with the objections of the Council of Revision, reported the same back to the House, and recommended the passage of the bill.

And the question being put; "Shall the bill become a law notwithstanding the objections of the Council of Revision?"

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Archer, Baldwin, Barnett, Bentley, Bissell, Blackman, Busey, Carpenter, Cavarly, Courtright, Crain, Cunningham, Dodge, Dollins, English, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Logan, McClelland, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Olds, Oliver, Ormsbee, Parsons, Peck, Scott, Shepley, Trumbull, Turney, Waters, Wheeler, White, Wilson, Wood, and Mr. Speaker—46.



Those who voted in the negative, are,

Messrs. Bailey, Beall, Bennett, Bradford, Brown of Singamon, Brown of Vermilion, Canady, Charles, Cox, Darnielle, Denny, Dougherty, Drummond, Dunlap, Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Hull, Laughlin, Leary, Lester, Lincoln, McLean, Menard, Minshall, Munsell, Odam, Parkinson, Phelps, Reynolds, Ross, Threlkeld, Troy, West, and Woodson—40.

Senate bill for "An act to prevent the improper expenditure of the public money on the Illinois and Michigan Canal," was read the first time, and refused a second reading, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bailey, Baldwin, Bennett, Carpenter, Cavarly, Charles, Court-right, Crain, Cunningham, Denny, Green, Gridley, Henderson, Humphrey, Laughlin, Leary, Lincoln, McClurken, McLean, Moore, Munsell, Odam, Parsons, Phelps, Ross, Trumbull, Wheeler, White, Wilson, Woodson—30.

Those who voted in the negative, are,

Messrs. Archer, Beall, Bentley, Bissell, Blackman, Bradford, Brown of Sang., Brown of Ver., Busey, Canady, Cox, Darnielle, Dodge, Dollins, Dougherty, Drummond, Dunlap, Emmerson, English, Francis, Froman, Gillespie, Hardin, Hicks, Hull, Kelly, Kitchell, Lester, Logan, McClernand, McDonald, McGinnis, Marshall, Menard, Minshall, Murphy of Perry, Olds, Ormsbec, Parkinson, Peck, Phillips, Reynolds, Scott, Shepley, Thornton, Threlkeld, Troy, Waters, Webb, West, Wood, and Mr Speaker—52.

Engrossed bill for "An act to establish the county of Okaw," was read the third time, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

On motion of Mr. Cavarly,

*Ordered*, That a committee of three on the part of the House be appointed to confer with a committee on the part of the Senate, on the disagreeing vote of the two Houses, on the resolution for the election of additional justices of the Supreme Court.

*Ordered*, That Messrs. Cavarly, Peck, and English, be said committee on the part of the House, and that the Clerk inform the Senate thereof.

Senate bills of the following titles were severally read the first and second times by their titles, and referred to the committee on Banks and Corporations.

"An act to incorporate the trustees of the Winchester Male and Female Common and Preparatory Schools;"

"An act to incorporate the town of Petersburg;"

"An act to incorporate the Springfield Marine and Fire Insurance Company;"

"An act to incorporate the Nauvoo House Association;"

"An act to incorporate the Greenville Hotel Company."

Senate bills of the following titles were severally read the first and second times by their titles, and

*Ordered* to a third reading.

"An act to amend an act entitled 'An act to authorize Daniel F. Hitt to build a mill-dam;'"

"An act for the transcribing certain records in Tazewell county;"

Senate bill for "An act changing a part of the State road therein named," was read the first time, and the second time by its title, and

On motion of Mr. Henderson,

Amended by adding the following as an additional section:

"SEC. —. That a road authorized by law, to be located and established from Farmington in Fulton county, via Rochester, Lafayette, Weathersfield to Richmond, in Henry county, which road was located as far as Weathersfield, be and the same is hereby established from Farmington to Weathersfield, as fully as if located the whole route;" when the bill as amended, was

*Ordered* to a third reading.

Senate bills of the following titles were severally read the first time, and

*Ordered* to a second reading, to wit:

"An act to locate and establish a State road therein named;"

"An act to amend an act to incorporate the City of Springfield," approved February 3, 1840;"

"An act to amend an act entitled 'An act to incorporate Tazewell county Commercial and Fire Insurance Company,'" approved March 2, 1839;

"An act to vacate a part of the town plat of Meredosia;"

"An act to authorize the county commissioners of Rock Island and Stephenson counties, to collect the tax of 1839;"

"An act supplemental to an act, to incorporate the Des Moines Rapids Railroad Company;"

"An act to provide for settlers on land purchased by the State."

Senate bills of the following titles were severally read the first time, and the second and third times by their titles, and passed.

"An act to authorize the supervisor of the village of Cahokia, to lease part of the commons appertaining to said village;"

"An act to amend an act, entitled 'An act for the relief of Charles J. Weed,'" approved January 27, 1837;

"An act to enable the trustees of Juliet to levy a tax, and to pay liabilities against said town."

*Ordered*, That the titles be as aforesaid, and that the Clerk inform the Senate thereof.

The Senate amendments to the following House bills were read and concurred in; to wit:

"An act to locate, alter, and relocate certain State roads;"

"An act to provide for draining mill-dams on Mackinaw creek;"

"An act in relation to free negroes and mulattoes;"

"An act to vacate town plats;"

"An act to create the county of Kendall;"

"And act to extend the limits of Bond county;"

"An act in relation to State roads."

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Hacker, a Senator:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives, that they have passed a bill for "An act to establish county courts.

In which they ask the concurrence of the House of Representatives.

Senate bills of the following titles were severally read the first time and the second time by their titles, and referred to the committee on Finance.

"An act to amend an act, entitled 'An act to extend the corporate powers of the town of Pekin,'" approved February 23, 1839;

"An act to prevent collectors from speculating on Auditor's warrants." Senate bill for "An act to facilitate the collection of judgments, by executors and administrators," was read the first time, and the second time by its title, and referred to the committee on the Judiciary.

Senate bill for "An act to relocate a part of the State road from Carmi to Mount Carmel," was read the first time, and the second time by its title, and

On motion of Mr. Emmerson,

Referred to the committee on State Roads.

House bill for "An act for the relief of the creditors of the late William Wernwag," with the Senate amendments thereto, coming up for consideration; the amendments of the Senate were read,

And the question being put—"Will the House concur in said amendments of the Senate?"

It was decided in the negative.

Mr. Dodge asked and obtained leave to withdraw certain petitions.

Senate bill for "An act to amend and explain the election law," approved January 10, 1829, was read the first time, and the second time by its title; when,

On motion,

The House adjourned until 2 o'clock, P. M.

#### TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Crain, from the committee on Engrossed Bills, reported as correctly engrossed, bills of the following titles:

"An act to prevent the further sale of State Bonds, except for specific purposes therein set forth;"

"An act to revive an act, entitled 'An act to amend an act, relative to criminal jurisprudence,'" approved January 19, 1829;

"An act supplemental to an act, entitled 'An act, amending the several acts, incorporating the town of Galena,'" approved February 15, 1839;

Mr. Logan, from the select committee to which was referred the bill for "An act to incorporate the Warren county Road and Bridge Company," reported the same back to the House, and recommended its passage.

On motion of Mr. Denny,

The bill was amended as follows:

Strike out "Warren" and insert "Henderson county" whenever the former occurs.

Strike out section sixth, and insert

"And for the purpose of remunerating said company for the expense of making said road and bridges, they shall have the power to charge such tolls for the passage of the same of passengers and freight, as the county commissioners' court of Henderson county may establish; provided they

shall not charge any tolls until all necessary bridges are built in a substantial manner, and the road completed to the eastern bank of the great Slough; nor until said road and bridges are inspected and approved of by the county commissioners' court of Henderson county, and permission given by the said court to the company, to charge and collect tolls; the said road and bridges shall at the expiration of five years, from the passage of this act, be delivered over in a state of good repair by said company to the county of Henderson, as a county road, or sooner if the profits of said road shall amount to a sum sufficient to pay the cost of the same with six per cent. interest thereon."

Amend section 5, by inserting at the end of the section:

"*Provided*, That if said road and bridges be not completed within two years from the passage of this act, then this act shall be null and void."

SEC. —. The company shall have the right to ferry for the term of fifteen years, provided that they comply with the provisions of this act; and provided further, that they shall pay such a sum annually into the county treasury of Henderson county, as may be required by the county commissioners' court of said county, and shall receive no higher rates for ferrying than may be established by said court; provided nothing in this act shall be so construed as to prevent any other ferry being licensed at the same place.

SEC. 2. Strike out 150 and insert "fifty;" same section, strike out "two hundred shares of five hundred dollars each," and insert "shares of one hundred dollars each;" when the bill was

*Ordered* to be engrossed.

Senate bill for "An act to establish Circuit Courts," was read the first time, and

Mr. Kitchell demanded a call of the House; and the roll being called over, it appeared that the following members were absent:

Messrs. Bailey, Barnett, Bennett, Bentley, Cavarly, Darnielle, Dougherty, Edwards, English, Green, Hankins, McDonald, Murphy of Cook, Murphy of Perry, and Peck.

And pending the call,

Senate bill for "An act to amend and explain the election law," approved January 10, 1829," was considered, and

Mr. Henderson moved to amend the bill by adding the following as an additional section:

"SEC. —. That in all elections hereafter held in this State, the electors shall vote by ballot, which ballots shall be deposited in boxes kept for that purpose, which shall not be opened, or the vote counted until the closing of the polls."

Which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Beall, Bissell, Bradford, Brown of Sangamon, Charles, Cox, Denny, Emmerson, Gillespie, Gridley, Henderson, Hull, Menard, Minshall, Munsell, Ormsbee, Parsons, Phelps, Phillips, Reynolds, Ross, Shepley, Thornton, Threlkeld, Troy, West, and Mr. Speaker—27.

Those who voted in the negative, are,

Messrs. Archer, Baldwin, Blackman, Brown of Ver. Busey, Canady, Carpenter, Courtright, Crain, Cunningham, Dodge, Dollins, Dougherty, Drummond, Dunlap, English, Francis, Froman, Funk, Hardin, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Lincoln, Logan, McCler-

and, McClurken, McGinnis, McLean, Marshall, Moore, Odam, Olds, Oliver, Parkinson, Peck, Scott, Trumbull, Turney, Waters, Webb, Wheeler, White, Wilson, Woodson, and Wood—50.

When the bill was

*Ordered* to a third reading.

Mr. Carpenter, from the committee on Counties, reported a bill for "An act for the formation of the county of Allen;" which was read the first and second time by its title, and

On motion of Mr. Brown of Sangamon,

Referred to a select committee.

*Ordered*, That Messrs. Brown of Sangamon, Ross, Barnett, Olds, and Parkinson, be said committee.

Mr. Dodge, on leave, introduced a bill for "An act to establish a ferry across the Fox and Illinois rivers at Ottawa;" which was read the first and second times by its title, and

*Ordered* to be engrossed.

Mr. McClernand, from the select committee to which was referred the bill for "An act to authorize the State to lease the mills at New Haven and Carmi, on the Wabash river," together with the proposed amendments thereto, reported the same back to the House, and recommended the rejection of the amendments, and the passage of the bill.

Mr. Turney moved to amend the amendment by striking out all after the word "that;" and inserting as follows:

"The sheriffs of White and Wayne counties are hereby authorized and required to take to themselves sufficient aid and abate as a nuisance, the mill-dams heretofore purchased by, and now owned by the State of Illinois, across the Little Wabash river at Carmi, and at New Haven, in White county.

"SEC. 2. The said sheriffs shall receive such compensation for removing said mill-dams, as the county commissioners' court of White county may deem just, to be paid out of the county treasuries of Wayne and Clay counties; Wayne county to pay two-thirds of said allowance, and Clay paying the balance, one-third of said allowance.

"SEC. 3. That the act entitled "An act concerning the Little Wabash river," approved February 3, 1840, be, and the same is hereby repealed. This act to take effect and be in force from and after its passage;

"*Provided*, That said dam shall not be cut down between the first days of April and October next; and provided further, that the Governor be authorized to rent or lease the water privileges to any person or persons at Carmi and new Haven, conditioned for the improvement of said river, so as to admit of a safe transportation of all boats and other water craft without hindrance."

The doorkeeper having reported under the call,

The House resumed the consideration of a bill for "An act to establish Circuit Courts;" which was read the second time by the title, and

On motion of Mr. Trumbull,

Referred to the committee on the Judiciary.

Senate bill for "An act supplemental to an act, entitled 'An act to incorporate the Cairo City and Canal Company,'" approved March 4, 1837, was read the first time, and the second time by its title, and

On motion of Mr. Dougherty,

Was read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Senate bill for "An act for the relief of William S. Crawford," was read the first time, and the second time by its title, and

On motion of Mr. Dollins,

Referred to a select committee.

*Ordered*, That Messrs. Dollins, Hicks, and Waters, be said committee.

Senate bill for "An act for the re-survey of the lower town of Carlyle, in Clinton county," was read the first time, and the second time by its title, and

*Ordered* to a third reading.

Senate bill for "An act to provide means for paying interest on canal loans, and amending the several laws in relation to the sale of canal lands and lots," was read the first time, and the second time by its title, and

On motion of Mr. Peck,

Referred to the committee on Canals and Canal Lands.

Senate bill for "An act, supplemental to an act, to amend an act, entitled 'An act, to regulate taverns and groceries,'" was read the first time, and the second time by its title, and referred to the committee on the Judiciary.

House memorial to Congress, with Senate amendments thereto, was taken up for consideration, and the Senate amendments concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

Senate bill for "An act to incorporate the Rock river Seminary, in Ogle county, Illinois," was read the first time, and the second time by its title, and

*Ordered* to a third reading.

Mr. Wilson, on leave, introduced a bill for "An act to relocate a portion of the State road leading from Palestine to Vandalia," was read the first and second time by its title, and referred to the committee on State roads.

Senate memorial having for its object the relocation of the National road, was read, and

On motion of Mr. Webb,

Laid on the table.

Senate resolution having for its object, making Presidents of the United States ineligible to a re-election for a second term, was read, and

On motion of Mr. McClernand,

To refer it to the committee on Elections,

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Bentley, Bissell, Blackman, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, English, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Minshall, Moore, Murphy of Perry, Ormsbee, Parsons, Peck, Ross, Scott, Shepley, Trumbull, Turney, White, Wilson, Wood, and Mr. Speaker—43.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Denny, Drummond,

Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Hull, Lincoln, McLean, Menard, Munsell, Odam, Oliver, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, Wheeler, and Woodson—39.

The Speaker laid before the House a communication from the President of the State Bank, in answer to a call of the House, for information in relation to "real estate" and "suspended debt;" which was read, and

Mr. Webb moved to refer the same to the committee on Banks and Corporations.

Mr. Hardin moved to lay the same on the table; which was not agreed to; when the communication was referred to the committee on Banks and Corporations.

The Speaker also laid before the House another communication from the President of the State Bank, in relation to the resumption of specie payments; which was read, and

On motion of Mr. Dodge,

Referred to the committee on Banks and Corporations.

The Speaker also laid before the House a communication from the Governor, enclosing a communication from the Governor of Georgia, with resolutions of the Georgia Legislature; which were read, and

On motion of Mr. Bissell,

Referred to the committee on the Judiciary.

The Speaker also laid before the House a communication from the treasurer, in answer to a call of the House, in relation to the school, college and seminary funds; which was read, and

On motion of Mr. Dollins,

Laid on the table.

The Speaker also laid before the House a communication from the Governor, enclosing the annual report of the "Illinois Mutual Fire Insurance Company;" which was read, and laid on the table.

The Speaker also laid before the House a communication from the Governor, enclosing a communication from the "New York Historical Society;" which, without reading,

On motion of Mr. Turney,

Referred to the committee on Education.

The Speaker also laid before the House a communication, enclosing a report of R. M. Young, in relation to the sale of State Bonds; which, without reading, was referred to the committee on Canals and Canal Lands.

The House resumed the consideration of a bill for "An act to authorize the State to lease the mills at New Haven and Carmi, on the Little Wabash river."

The question being on Mr. Turney's amendment; it was not agreed to.

Mr. Turney moved to commit the bill to the committee on Internal Improvements; which was not agreed to, and the report of the select committee was concurred in.

Mr. Green offered the following amendment:

Amend 1st section, 9th line, strike out the word "mills" and insert "hydraulic power."

Section 4th, 9th line, strike out "eighteen inches" and insert "three feet."



8th line of second section, by striking out the words "double the amount for which said mills and other property may be leased," and insert "ten thousand dollars."

Add an additional section:

Sec. —. If no person shall lease the said hydraulic power, the sheriff of White county shall call to his assistance the necessary help, and proceed to move the nuisance, and the expense of said labor shall be equally paid by the counties of White, Wayne, and Clay; which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,  
Messrs. Bailey, Beall, Bentley, Bissell, Busey, Cavarly, Courtright, Dunlap, English, Green, Hicks, Humphrey, Kitchell, Laughlin, Leary, Lester, McClurken, McGinnis, Marshall, Menard, Moore, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Peck, Phelps, Reynolds, Scott, Shepley, Turney, West, Wheeler, White, Wilson, and Mr. Speaker—37.

Those who voted in the negative, are,  
Messrs. Baldwin, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Carpenter, Charles, Cox, Crain, Cunningham, Denny, Dodge, Dollins, Dougherty, Drummond, Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Hull, Lincoln, Logan, McClernand, McDonald, Minshall, Munsell, Parkinson, Phillips, Ross, Thornton, Threlkeld, Troy, Trumbull, Webb, Woodson, and Wood—41.

Mr. Dodge moved the previous question; which was sustained,

And the bill was

Ordered to a third reading, by yeas and nays, as follows:

Those who voted in the affirmative, are,  
Messrs. Archer, Baldwin, Beall, Bentley, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Carpenter, Charles, Cox, Crain, Cunningham, Denny, Dollins, Dougherty, Drummond, Emmerson, English, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Hull, Lincoln, Logan, McClernand, McDonald, Menard, Minshall, Munsell, Murphy of Cook, Murphy of Perry, Oliver, Ormsbee, Phillips, Ross, Thornton, Threlkeld, Troy, Waters, Webb, West, Woodson, Wood, and Mr. Speaker—51.

Those who voted in the negative, are,  
Messrs. Bailey, Cavarly, Courtright, Dodge, Green, Hicks, Humphrey, Kitchell, Laughlin, Leary, Lester, McClurken, McLean, Marshall, Moore, Odam, Olds, Parkinson, Peck, Phelps, Reynolds, Scott, Shepley, Trumbull, Turney, Wheeler, White, and Wilson—28.

A message from the Senate, by Mr. Nunnally, a Senator:

Mr. Speaker: I am directed by the Senate to inform the House of Representatives that they have refused to concur in the amendment of the House of Representatives to a resolution having for its object the election of five additional Judges of the Supreme Court, on Saturday next, as amended by them.

I am also directed by the Senate to inform the House of Representatives that they have passed the following resolution,

In which they ask the concurrence of the House of Representatives.

Resolved by the Senate, the House of Representatives concurring herein, That the two House will meet in the Hall of the House of Representatives, on Monday the 15th inst., at the hour of 2 o'clock, P. M., for the purpose of electing five additional Justices of the Supreme Court.



I am also directed by the Senate to inform the House of Representatives that they have concurred with them in the adoption of a resolution having for its object the appointment of a committee of conference on the disagreeing vote of the two Houses on the resolution to elect five additional Judges of the Supreme Court, as amended by the House of Representatives; and they have appointed Messrs. Ross and Richardson, on the part of the Senate.

A message from the Senate, by Mr. Berry, their Assistant Secretary :

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives, that they have concurred with them in the passage of bills of the following titles, viz:

"An act to vacate the plat of the town of Iowa, in Perry county;"

"An act for the collection of the taxes of Henderson county;"

"An act creating an additional justice of the peace and constable, in Cherry Grove precinct, Knox county;"

"An act to incorporate the Salem Steam Mill Company;" and

"An act in relation to paupers."

They have refused to order to a second reading, a bill for "An act to amend the act incorporating Agricultural Societies."

They have also indefinitely postponed the consideration of the bill for "An act to repeal an act incorporating the town of Shelbyville."

Mr. Brown of Vermilion moved that the House adjourn; which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Charles, Cox, Cunningham, Denny, Drummond, Dunlap, Emmerson, Francis, Froman, Funk, Gillespie, Green, Gridley, Hardin, Henderson, Hicks, Hull, Leary, Lincoln, McLean, Menard, Minshall, Munsell, Phelps, Phillips, Reynolds, Thornton, Troy, Webb, West, and Woodson—38.

Those who voted in the negative, are,

Messrs. Baldwin, Bentley, Bissell, Blackman, Bradford, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, English, Hankins, Humphrey, Kelly, Kitchell, Laughlin, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parkinson, Parsons, Peck, Ross, Scott, Shepley, Threlkeld, Trumbull, Turney, Waters, Wheeler, White, Wilson, Wood, and Mr. Speaker—47.

The Senate resolution having for its object the election of five Justices of the Supreme Court, was taken up.

Mr. Hardin moved to amend the resolution, as follows:

Also, a President, Acting Commissioner, and Treasurer of the Illinois and Michigan Canal.

Mr. Cavarly moved to lay the amendment on the table.

Mr. Dodge moved the previous question.

Mr. Bradford demanded a call of the House.

Absentee: Mr. Murphy of Cook.

Mr. Dollins moved to dispense with further proceedings under the call of the House; which was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,  
Messrs. Archer, Baldwin, Bentley, Bissell, Blackman, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, English, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—44.

Those who voted in the negative, are,  
Messrs. Bailey, Beall, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Charles, Cox, Cunningham, Denny, Drummond, Dunlap, Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Hull, Leary, Lincoln, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, and Woodson—39.

The question being—"Shall the main question be now put?"

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,  
Messrs. Baldwin, Bentley, Bissell, Blackman, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, English, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—44.

Those who voted in the negative, are,  
Messrs. Archer, Beall, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Charles, Cox, Cunningham, Denny, Drummond, Dunlap, Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Hull, Leary, Lincoln, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, and Woodson—35.

The question recurring on Mr. Hardin's amendment,

It was decided in the negative, by yeas and nays, as follows:

Those who voted in the affirmative, are,  
Messrs. Archer, Beall, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Charles, Cox, Cunningham, Denny, Drummond, Dunlap, Emmerson, Francis, Froman, Funk, Gillespie, Gridley, Hardin, Henderson, Hicks, Hull, Leary, Lincoln, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, and Woodson—40.

Those who voted in the negative, are,  
Messrs. Baldwin, Bentley, Bissell, Blackman, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, English, Green, Hankins, Humphrey, Kelly, Kitchell, Laughlin, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—42.

The question then recurring on the adoption of the resolution from the Senate, to elect five Justices of the Supreme Court, on Monday next, at 2 o'clock, in the Hall of the House of Representatives,

It was concurred in.

*Ordered*, That the Clerk inform the Senate thereof; when  
The House adjourned.

MONDAY, FEBRUARY 15, 1841.

House met pursuant to adjournment.

The Speaker laid before the House a communication from John Tillson, Jr., in relation to his official conduct as Fund Commissioner; which was read, and laid on the table.

Mr. Emmerson presented the remonstrance of citizens of Edwards county, in relation to a State road; which, without reading, on his motion, was referred to the committee on State Roads.

Mr. Ross presented the petition of citizens of Knox, Fulton, Sangamon, and Tazewell counties, in relation to the improvement of roads through the bottoms of the Illinois river; which, without reading, on his motion, was referred to the committee on State Roads.

Mr. Kitchell, from the committee on the Judiciary, to which was referred the petition of Hester Ann Dawson, reported the same back to the House, and was discharged from the further consideration thereof.

Mr. Kitchell, from the committee on the Judiciary, to which was referred the bill for "An act for the relief of William Dormady," reported the same back to the House, and recommended its rejection.

Mr. Hardin moved to lay the bill on the table; which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Canady, Cox, Cunningham, Denny, Dougherty, Drummond, Emmerson, Francis, Froman, Hardin, Henderson, Hull, McLean, Menard, Minshall, Munsell, Oliver, Parkinson, Phelps, Reynolds, Ross, Thornton, Threlkeld, Troy, Trumbull, Webb, and Woodson—30.

Those who voted in the negative, are,

Messrs. Able, Baldwin, Bentley, Bissell, Blackman, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Odam, Ormsbee, Parsons, Peck, Shepley, Turney, Waters, West, Wheeler, White, Wilson, Wood, and Mr. Speaker—44.

When the bill was

*Ordered* to be engrossed.

Mr. Cavarly, from the committee on the Judiciary, to which was referred the bill for "An act to amend an act, entitled 'An act in relation to special bail,'" approved January 26, 1827, reported the same back to the House, and recommended its rejection; when the House refused to order the bill to be engrossed.

Mr. Cavarly, also, from the same committee, to which was referred the bill for "An act defining the mode of issuing process in courts of law," reported the same back to the House, and recommended its rejection; when the House refused to order the bill to be engrossed.

Mr. Trumbull, from the committee on the Judiciary, to which was referred the Senate bill for "An act regulating evidence in certain cases," reported the same back to the House, and recommended its rejection; when the House refused to order the bill to a third reading.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Drummond, from the committee on the Judiciary, to which was referred the bill for "An act to authorize mortgages to redeem real estate sold for taxes and assessments," reported the same back to the House, and recommended its rejection; when,

On motion of Mr. Peck,

The bill was referred to a select committee.

*Ordered*, That Messrs. Peck, Drummond, and Bissell be said committee.

Mr. Drummond, from the committee on the Judiciary, to which was referred the bill for "An act to amend an act, entitled 'An act concerning Jails and Jailors, approved January 26th, 1827,'" reported the same back to the House, and recommended its rejection; when the House refused to order the bill to be engrossed.

Mr. Lincoln, from the committee on Finance, to which was referred the bill for "An act supplemental to the charter of the Springfield and Alton Turnpike Road Company," reported the same back to the House, with amendments; when, on his motion, the bill was laid on the table.

Mr. Peck, from the committee on Finance, to which was referred a certain petition, reported a bill for "An act to release from taxation, religious places of worship;" which was read the first time, and the second time by its title, and

*Ordered* to be engrossed.

Mr. Parsons, from the committee on Education, to which was referred the bill for "An act to provide for the levying of taxes for school purposes, in Griggsville, Pike county," reported the same back to the House without amendment, and on his motion, the bill was laid on the table.

Mr. Woodson, from the committee on Public Accounts and Expenditures, reported a bill for "An act making appropriations for the years 1841 and 1842;" which was read the first time, and the second time by its title, and,

On motion of Mr. Cavarly,

Referred to the committee of the Whole House, and made the special order of the day for to-morrow.

On motion of Mr. Gillespie,

The bill for "An act in relation to the Penitentiary," was taken up for consideration, and

*Ordered* to be engrossed.

Mr. Hicks, from the committee on the Judiciary, to which was referred the bill for "An act to change the time of holding a portion of the circuit courts in the third Judicial Circuit of this State," reported the same back to the House, and recommended its passage; when,

On motion of Mr. Trumbull,

The bill was laid on the table.

Mr. Cunningham, from the committee on Counties, reported a bill for "An act confining Justices of the Peace and Constables to their districts;" which was read the first time, and refused a second reading, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Archer, Blackman, Canady, Cavarly, Courtright, Cox, Cunningham, Darnielle, Dollins, Dunlap, Emmerson, English, Francis, Froman, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Lester, Lincoln, McClurken, Moore, Odam, Oliver, Ormsbee, Ross, Threlkeld, Troy, Waters, Wilson, Woodson, and Mr. Speaker—35.

Those who voted in the negative, are,

Messrs. Bailey, Baldwin, Beall, Bentley, Bissell, Brown of Sangamon, Busey, Charles, Crain, Denny, Dougherty, Drummond, Gillespie, Green, Hardin, Henderson, Hull, Leary, McClelland, McDonald, McGinnis, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Scott, Trumbull, Turney, Webb, West, Wheeler, and Wood—36.

Mr. Wood, from the committee on Salines and Saline Lands, reported a bill for "An act to provide for leasing the Saline reserve lands, in Jackson county, and for granting a pre-emption right to certain persons therein named;" which was read the first time, and the second time by its title, and,

On motion of Mr. Logan,

Referred to a select committee.

*Ordered*, That Messrs. Logan, Dollins, and McGinnis be said committee.

Mr. Green, from the committee on Claims, to which was referred the petition of Samuel Grubb, reported the same back to the House, and was discharged from the further consideration of the same.

Mr. Francis, from the select committee to which was referred the bill for "An act to authorize John Primm, Sen., to build a mill-dam across the Sangamon river," reported the same back to the House, and recommended its passage; when the bill was read the third time, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Green, from the select committee to which was referred the engrossed bill for "An act to authorize Solomon Husalton to build a dam across the Little Wabash river," reported the same back to the House, with amendments; which were read and concurred in, and the bill passed.

On motion of Mr. Green,

The title of the bill was amended by adding the following words: "and for other purposes."

*Ordered*, That the title be as amended, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Hankins, from the select committee to which was referred a certain petition, reported a bill for "An act for the relief of the purchasers of land in the 16th sections, towns 6 and 8 north, ranges 5 and 6 east of the 3d principal meridian, in Effingham county;" which was read the first time, and the second time by its title, and,

On motion of Mr. Green,

Amended by adding the following:

"SEC. 3. *Be it further enacted*, That the first and second sections of this act shall in all respects be applicable to section number sixteen, in township number three north, of range eight, east of the third principal meridian, in Clay county; and the school commissioner of said county of Clay is required to act in all respects in conformity to this act as it relates to such parts of school land;" when the bill was

*Ordered to be engrossed.*

Mr. McLean, from the select committee to which was referred the Senate bill for "An act to locate a State road from Shelbyville to Mint Point, in Coles county;" reported the same back to the House without amendment; when the bill was

*Ordered to a third reading.*

Mr. Hankins, from the select committee to which was referred a certain petition, reported a bill for "An act for the relief of the poor and honest debtor;" which was read the first time, and refused a second reading, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Bentley, Blackman, Busey, Carpenter, Cavarly, Charles, Courtright, Crain, Cunningham, Dodge, Dollins, Dunlap, English, Gillespie, Green, Hankins, Hicks, Humphrey, Kitchell, Laughlin, Lester, Logan, McClernand, McDonald, McLean, Minshall, Odam, Oliver, Ormsbee, Parsons, Peck, Ross, Scott, Threlkeld, Troy, Waters, Wheeler, White, and Mr. Speaker—40.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Baldwin, Barnett, Beall, Bissell, Bradford, Brown of Vermilion, Canady, Cox, Darnielle, Denny, Dougherty, Drummond, Emmerson, Francis, Froman, Hardin, Henderson, Hull, Kelly, Leary, Lincoln, McClurken, McGinnis, Menard, Moore, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Trumbull, Turney, Webb, West, Wilson, Woodson, and Wood—40.

Mr. Minshall, from the select committee to which was referred the Senate bill for "An act to amend an act to incorporate the town of Rushville," approved March 2d, 1839, reported the same back to the House, and on his motion, the bill was laid on the table.

Mr. Turney, from the select committee to which was referred the Senate bill for "An act to amend an act, entitled 'An act relating to the Galatin Salines, and the lands belonging to the same,'" approved January 26th, 1831, reported the same back to the House, with amendments; which were read and concurred in, and the bill, as amended, was

*Ordered to a third reading.*

Mr. Turney, from the select committee to which was referred the House bill for "An act for the benefit of George M. Hanson," reported the same back, and on his motion, was laid on the table.

Mr. Woodson, from the select committee to which was referred a certain petition, reported a bill for "An act to amend an act authorizing the county commissioners' court to construct certain roads in Green county;" which was read the first-time, and the second time by its title, and,

On motion of Mr. English,

The bill was referred to a select committee.

*Ordered,* That said committee consist of Messrs. English, Cavarly, and Woodson.

On motion of Mr. Phelps,

*Resolved,* That the committee on Public Accounts and Expenditures be instructed to report to this House a bill for the payment of all persons legally entitled to fees for services rendered in the recent contested election in Peoria county.

Mr. Blackman, on leave, introduced a bill for "An act supplemental to

an act providing for the payment of grand and petit jurors;" which was read the first time, and the second time by its title, and,

On motion of Mr. Waters,

Was referred to a select committee.

Ordered, That Messrs. Waters, Blackman, and Cox be said committee.

On motion of Mr. Scott,

Resolved, That the Governor be requested to furnish this House with a statement of the arms and accoutrements belonging to the State of Illinois, the amount of the same, and where stationed, and how the companies bringing themselves under the militia law can be furnished with the same, and at what points; and that he report to this House as soon as it may suit his convenience.

Mr. Busey, on leave, introduced a bill for "An act to revive a certain act therein named;" which was read the first time, and the second time by its title, and referred to the committee on State Roads.

Mr. Busey, on leave, introduced a bill for "An act to regulate the county commissioners' courts in Champaign and Iroquois counties;" which was read the first time, and the second time by its title, and

Ordered to be engrossed.

Mr. Dodge, on leave, introduced a bill for "An act for the relief of Charles G. Scott, and others, therein named;" which was read the first time, and the second time by its title, and referred to the committee on Internal Improvements.

Mr. Drummond, on leave, introduced a bill for "An act to establish the Kishwaukee Ferry Company;" which was read the first time, and the second time by its title, and referred to the committee on State Roads.

Mr. Green, on leave, introduced a bill for "An act to incorporate the Louisville Exporting, Importing, and Manufacturing Company;" which was read the first and second times by its title, and referred to the committee on Banks and other Corporations.

Mr. Green, on leave, introduced a bill for "An act in relation to the Great Western Mail Route;" which was read the first and second times by its title, and referred to the committee on Internal Improvements.

Mr. Hankins, on leave, introduced a bill for "An act in relation to the present State House Commissioners;" which was read the first time, and

Ordered to a second reading.

Mr. Henderson, on leave, introduced a bill for "An act to define the corporate limits of the town of Lacon, and to vacate the plat of the town of Auburn;" which was read the first time, and the second and third times by its title, and passed.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Henderson, on leave, introduced a bill for "An act to change the names of certain persons;" which was read the first time, and the second and third times by its title, and passed.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Hull, on leave, introduced a bill for "An act to authorize the county commissioners of Tazewell county to lease certain offices;" which was read the first time, and the second time by its title, and

Ordered to be engrossed.

Mr. Kelly, on leave, introduced a bill for "An act making county col-



lectors elective by the people;" which was read the first time, and the second time by its title, and referred to the committee on Finance.

Mr. Kelly, on leave, introduced a bill for "An act requiring county treasurers to assess taxable property;" which was read the first time, and the second time by its title, and,

On motion of Mr. Blackman,

Referred to a select committee.

*Ordered*, That Messrs. Blackman, Kelly, and Olds be said committee.

Mr. Dodge, on leave, introduced a bill for "An act to provide for the building of bridges in Boone county;" which was read the first and second times by its title, and,

On motion of Mr. Bailey,

Referred to the committee on State Roads.

Mr. Dodge, on leave, introduced a bill for "An act to incorporate the Coltonville Steam and Hydraulic Manufacturing Company;" which was read the first and second times by its title, and referred to the committee on Banks and other Corporations.

Mr. Leary, on leave, introduced a bill for "An act in relation to the redemption of lands and lots sold for taxes in the city of Chicago;" which was read the first and second times by its title, and referred to the committee on the Judiciary.

Mr. Leary, on leave, introduced a bill for "An act in relation to promissory notes;" which was read the first time, and the second time by its title, and referred to the committee on the Judiciary.

Mr. Lester, on leave, introduced a bill for "An act to repeal an act therein named;" which was read the first time, and the second and third times by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. McLean, on leave, introduced a bill for "An act relative to the Great Western Mail Route, in Lawrence county;" which was read the first time, and the second time by its title, and referred to the committee on State Roads.

Mr. Ormsbee, on leave, introduced a bill for "An act to amend an act creating the Exeter Manufacturing Company;" which was read the first time, and the second time by its title, and

*Ordered* to be engrossed.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that they have passed bills of the following titles, to wit:

"An act to locate and establish a State road from Peoria, in Peoria county, to Fairview, in Fulton county," and

A bill for "An act to authorize the election of an additional county commissioner for Henderson county."

In the passage of which they ask the concurrence of the House of Representatives.

They have concurred with the House of Representatives in the passage of the following bills, to wit:

A bill to for "An act to authorize the sale of streets in Hillsboro;"

A bill for "An act for the relief of J. D. Morrison," and

A bill for "An act to amend the several acts incorporating the Beardstown and Sangamon Canal Company."



They have indefinitely postponed the consideration of a bill for "An act to amend an act providing for the payment of grand and petit jurors," approved February 13th, 1835.

Mr. Parsons, on leave, introduced a bill for "An act to amend an act, entitled 'An act concerning minors, orphans, and guardians;' which was read the first time, and the second time by its title, and on his motion, referred to the committee on the Judiciary.

Mr. Peck, on leave, introduced a bill for "An act to amend an act concerning divorces," approved January 31, 1827; which was read the first time, and the second time by its title, and referred to the committee on the Judiciary.

Mr. Ross, on leave, introduced a bill for "An act to locate a State road in Fulton county;" which was read the first time, and the second time by its title, and referred to the committee on State Roads.

Mr. Ross, on leave, introduced a bill for "An act for the sale of certain lots therein named;" which was read the first and second times by its title, and referred to the committee on Finance.

Mr. Trumbull, on leave, introduced a bill for "An act to amend an act, entitled 'An act respecting appropriations,'" approved December 30th, 1826; which was read the first time, and the second time by its title, and referred to the committee on the Judiciary.

On motion of Mr. White,

The rule was dispensed with, to enable him to make a report from the committee on the Militia, to which had been referred the bill for "An act to amend an act, entitled 'An act for the organization and government of the militia of this State,' in force February 22d, 1833, reported the bill back, with amendments; which were read and concurred in, and the bill

*Ordered* to be engrossed.

On motion of Mr. Wood,

The House adjourned until 2 o'clock, P. M.

#### TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Olds, on leave, introduced a bill for "An act in relation to the public revenue;" which was read the first and second times, and referred to the committee on Finance.

Mr. Webb demanded a call of the House.

Absentees: Messrs. Bennett, Dollins, Edwards, Funk, Gillespie, Leary, and Murphy of Cook.

Mr. English moved to dispense with further proceedings under the call of the House; which was agreed to.

On motion of Mr. English,

The Clerk informed the Senate that the House of Representatives were ready to receive them in the Hall of the House of Representatives, to proceed to the election of five Justices of the Supreme Court, pursuant to a joint resolution.

The Senate, preceded by their Speaker, appeared in the Hall of the House of Representatives in pursuance of said resolution.

And the two Houses proceeded to ballot for five Justices of the Supreme Court.

Messrs. English of the House, and Stapp of the Senate were appointed Tellers.

The balloting having gone through, it appeared that

Sidney Breese received seventy-three votes,

Thomas Ford received seventy-five votes,

Samuel H Treat received seventy-five votes,

Walter B. Scates received seventy-four votes,

Stephen A. Douglass received seventy-one votes,

J. M. Robinson received forty votes,

Peter Lott received twenty-two votes.

Wm. Thomas received seventeen votes,

Justin Harlan received seventeen votes.

Dan Stone received fourteen votes.

The whole number of ballots given were one hundred and twenty-one, and sixty-one being necessary to a choice,

The Speaker declared Sidney Breese, Thomas Ford, Samuel H. Treat, Walter B. Scates, and Stephen A. Douglass, duly elected Justices of the Supreme Court of the State of Illinois.

The Senate then withdrew.

Mr. English moved that the House adjourn; which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Barnett, Beall, Bentley, Cavarly, Courtright, Crain, Dodge, Dollins, English, Green, Hankins, Hardin, Henderson, Hicks, Humphrey, Kelly, Laughlin, Lester, Logan, McClernand, McDonald, McGinnis, McLean, Marshall, Moore, Murphy of Cook, Oliver, Peck, Scott, Shepley, Webb, White, Wood, and Mr. Speaker—35.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Baldwin, Bissell, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Carpenter, Charles, Cox, Cunningham, Darnielle, Denny, Drummond, Dunlap, Emmerson, Francis, Froman, Funk, Gillespie, Hull, Kitchell, Lincoln, McClurken, Menard, Minshall, Munsell, Odam, Olds, Ormsbee, Parkinson, Parsons, Phelps, Phillips, Reynolds, Ross, Thornton, Threlkeld, Troy, Trumbull, Turney, Waters, West, Wheeler, Wilson, and Woodson—49.

On motion of Mr. Cavarly,

The House resolved itself into committee of the Whole, on the bills in relation to the public revenue, heretofore made the special order of the day for this day, Mr. Ross in the Chair, and after some time spent therein, the committee rose, and by their Chairman, reported, and obtained leave to sit again; when

The House adjourned.

TUESDAY, FEBRUARY 16, 1841.

House met pursuant to adjournment.

Mr. Crain, from the committee on Enrolled Bills, reported as correctly enrolled, bills of the following titles:

"An act to extend the provisions of an act, entitled 'An act to provide for the dedication of lots in towns situated on Canal lands, to public purposes,' approved February 28th, 1839;

"An act to compel the school commissioner of Cook county to pay over certain monies to the school commissioners of Will, Du Page, McHenry, and Lake counties;"

"An act to authorize the county commissioners of Brown county to appoint an assessor;"

"An act changing a town plat therein named."

Mr. Drummond presented the petition of Daniel Brooks, praying that his acts as justice of the peace may be legalized; which, without reading, on his motion, was referred to the committee on the Judiciary.

Also, the remonstrance of citizens of Ogle county, against a change in the boundaries of said county; which, without reading, on his motion, was referred to the committee on Counties.

Mr. Ormsbee presented the petition of John Duff and John Calhoun; which, without reading, on his motion, was referred to a select committee.

*Ordered*, That Messrs. Ormsbee, Dougherty, Crain, Shepley, and Bissell be said committee.

Mr. Funk presented the petition of citizens of De Witt county praying to be taxed for the support of schools; which, without reading, on his motion, was referred to the committee on Education.

Mr. Drummond, from the committee on the Judiciary, to which was referred the bill for "An act supplemental to an act concerning justices of the peace and constables," approved February 3d, 1827, reported the same back to the House, and recommended its rejection: when the House refused to order the bill to be engrossed.

Mr. Drummond, from the same committee, to which was referred a communication from the Governor, enclosing certain resolutions of the Legislature of Alabama, reported the same back to the House, and was discharged from the further consideration of the same.

Mr. Kitchell, from the committee on the Judiciary, to which was referred the petition of the commissioners of Cook county, and also the petition of Nancy C. Dye, reported the same back to the House, and was discharged from the further consideration.

Mr. Kitchell, also, from the same committee, to which was referred the Senate bill for "An act to provide for the payment of certain debts due from the State to the banks," reported the same back to the House, and the bill was referred to the committee on Banks and other Corporations.

Mr. Kitchell, also, from the same committee, to which was referred the bill for "An act to amend an act, entitled 'An act concerning the public revenue,'" approved 26th February, 1839, reported the same back to the House, when the bill was referred to the committee on Finance.

Mr. Cavarly, from the committee on the Judiciary, to which was refer-

red the Senate bill for "An act to facilitate the collection of judgments by executors and administrators," reported the same back to the House, and recommended its passage, when the bill was

*Ordered to a third reading.*

Mr. Ross, from the committee on Public Accounts and Expenditures, to which was referred the bill for "An act for the relief of Stephen Row, of Shelby county," reported the same back to the House, and recommended its rejection, when the House refused to order the bill to be engrossed.

Mr. Murphy of Cook, from the committee on Banks and other Corporations, reported a bill for "An act in relation to the school fund of the city of Chicago;" which was read the first time, and the second time by its title, and,

On motion of Mr. Leary,

Referred to a select committee.

*Ordered, That Messrs. Leary, Reynolds, and Murphy of Cook be said committee.*

Mr. Murphy of Cook, from the committee on Banks and other Corporations, reported a bill for "An act to extend the corporate powers of the corporation of Beardstown;" which was read the first time, and the second time by its title, and

*Ordered to be engrossed.*

Mr. Murphy of Cook, from the same committee, reported a bill for "An act entitled an act for the protection of the Illinois Sweet Homes;" which was read the first time, and the second time by its title, and referred to the committee on the Judiciary.

Mr. Murphy of Cook, from the committee on Banks and other Corporations, to which was referred the bill for "An act to incorporate the St. Clair Railroad Company," reported the same back to the House, and recommended its passage, when the bill was

*Ordered to be engrossed.*

Mr. Kitchell, from the committee on the Judiciary reported a bill for "An act concerning appeal bonds and costs;" which was read the first time, and

*Ordered to a second reading.*

Mr. Murphy of Cook, from the committee on Banks and other Corporations, to which was referred communications from the President of the State Bank of Illinois, reported the same back to the House, and was discharged from the further consideration of the same.

Mr. Peck, from the committee on Finance, to which was referred the Senate bill for "An act to prevent collectors from speculating on Auditor's warrants," reported the same back to the House, without amendment, when the bill was

*Ordered to a third reading.*

Mr. Dollins, from the select committee to which was referred the Senate bill for "An act for the relief of William S. Crawford," reported the same back to the House, without amendment, when the bill was

*Ordered to a third reading.*

Mr. Waters, from the select committee to which was referred the bill for "An act supplemental to an act providing for the payment of grand and petit jurors," reported the same back to the House, with amendments; which were read and concurred in, and the bill

*Ordered to be engrossed.*

Mr. Brown of Sangamon, from the select committee to which was referred a certain petition, reported a bill for "An act supplemental to an act for the formation of the county of Menard;" which was read the first time, and the second and third times by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Archer, from the committee on State Roads, to which was referred the bill for "An act in relation to the Great Western Mail Route, in Lawrence county," reported the same back to the House, with amendments; which were read and concurred in, and the bill

*Ordered* to be engrossed.

Mr. Archer, from the committee on State Roads, to which was referred the bill for "An act to locate a State road in Felton county," reported the same back to the House without amendment; when the bill was

*Ordered* to be engrossed.

Mr. Archer, from the committee on State Roads, to which was referred the bill for "An act to authorize John Wilson to keep a ferry across the Mississippi river," reported the same back to the House, with amendments; which were concurred in, and the bill

*Ordered* to be engrossed.

Senate bill for "An act to amend an act incorporating the city of Springfield," approved February 3d, 1840, was read the second time, and

*Ordered* to a third reading.

Senate bills of the following titles were severally read the third time, and passed.

"An act to amend and explain the election law," approved January 10th, 1829;

"An act to incorporate the Rock river Seminary, in Ogle county, Illinois;"

"An act for the re-survey of the lower town of Carlyle, in Clinton county;"

"An act to amend an act, entitled 'An act to authorize Daniel F. Hitt to build a mill-dam;'"

"An act for the transcribing certain records in Tazewell county;"

"An act to locate and establish a State road therein named;"

"An act to locate a State road from Columbus, in Adams county, to Brooklyn, in Schuyler county;"

"An act to authorize the county commissioners of Jefferson county to borrow money;"

"An act to incorporate the Philomathean Society of Mount Carmel, Illinois;"

"An act declaring a certain road in Fulton county a State road;"

"An act to locate a State road from Columbus to Houston, in Adams county;"

"An act in relation to the public square in the original town of Ottawa;"

"An act to amend the act, entitled 'An act confirming the grants of property made for the encouragement of education, and for other purposes,'" approved February 1st, 1831;

"An act to legalize the acts of Samuel C. McClure, as probate justice of the peace of Ogle county;

"An act to enable the executors of James Hughes, deceased, to sell real estate for the payment of debts, and the redemption of land."

Senate bill for "An act to amend an act entitled 'An act relative to the Gallatin Salines, and the lands belonging to the same,'" approved January 16th, 1836, was read the third time, and Mr. Ross moved to refer the bill to the committee on Finance; which was not agreed to;

When the bill was passed, as amended, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Bentley, Bissell, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Carpenter, Charles, Courtright, Cox, Cunningham, Darnielle, Dodge, Emmerson, English, Francis, Funk, Gillespie, Green, Hankins, Hicks, Hull, Humphrey, Kelly, Kitchell, Laughlin, Lincoln, Logan, McClernand, McClurken, McGinnis, McLean, Marshall, Menard, Minshall, Moore, Munsell, Murphy of Cook, Olds, Parsons, Phillips, Reynolds, Scott, Thornton, Threlkeld, Troy, Trumbull, Turney, Waters, Webb, White, Wilson, Wood, and Mr. Speaker—58.

Those who voted in the negative, are,

Messrs. Baldwin, Canady, Cavarly, Crain, Denny, Dollins, Dougherty, Drummond, Dunlap, Froman, Hardin, Henderson, Lester, McDonald, Odam, Parkinson, Phelps, Ross, West, and Wheeler—20.

Senate bill for "An act changing a part of the State road therein named," was read the third time by its title, and passed, as amended.

On motion of Mr. Henderson,

The title was amended by striking out the words "therein named," and inserting the words "from Monmouth to Illinois City, and legalize the location of a State road from Weathersfield to Farmington."

*Ordered*, That the title be as amended, and that the Clerk inform the Senate thereof, and ask their concurrence in the amendments to the bill and title.

On motion of Mr. West,

The bill for "An act concerning Cass county," was taken up for consideration and made the special order of the day in committee of the Whole, for to-morrow.

Senate bill for "An act organizing a school district in Vermilion county, and authorizing the sale of school lands therein," was read the second time, and the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof.

Senate bill for "An act to provide for settlers on lands purchased by the State," was read the second time, when

Mr. Ormsbee moved to refer the bill to a select committee; which was not agreed to.

Mr. Hardin moved to amend the first section of the bill by adding the following proviso:

"*Provided*, That the State reserves the right of way for any railroad she may construct hereafter on such land."

On motion of Mr. Ormsbee,

The proposed amendment was amended by inserting after the word "railroad" the words "or other road."

Mr. Dougherty moved to refer the bill and proposed amendments to the committee on Internal Improvements; which was not agreed to.

When the amendment proposed by Mr. Hardin, as amended, was agreed to, and the bill

*Ordered* to a third reading, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Baldwin, Barnett, Bentley, Bissell, Blackman, Bradford, Brown of Sangamon, Busey, Canady, Carpenter, Court-right, Cox, Cunningham, Denny, Dodge, Dollins, Drummond, Emmerson, English, Francis, Froman, Funk, Gillespie, Green, Hankins, Hardin, Henderson, Hicks, Hull, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Lincoln, Logan, McClernand, McDonald, McGinnis, McLean, Marshall, Menard, Minshall, Moore, Murphy of Cook, Odam, Oliver, Ormsbee, Parkinson, Parsons, Peck, Phelps, Phillips, Scott, Shepley, Thornton, Threlkeld, Troy, Webb, West, Wheeler, White, Wilson, Woodson, and Mr. Speaker—68.

Those who voted in the negative, are,

Messrs. Able, Beall, Cavarly, Charles, Crain, Darnielle, Dougherty, McClurken, Munsell, Reynolds, Ross, Trumbull, Turney, and Wood—14.

Senate bills for "An act to authorize the county commissioners of Rock Island and Stephenson counties, to collect the tax of 1839," and

"An act to amend an act, entitled 'An act to incorporate the Tazewell county Commercial and Fire Insurance Company,'" approved March 2d, 1839, and

"An act to vacate a part of the town plat of Meredosia," were severally read the second time, and the third time by their titles, and passed.

*Ordered*, That the titles be as aforesaid, and that the Clerk inform the Senate thereof.

The Senate bill for "An act supplemental to an act to incorporate the Des Moines Rapids Railroad Company," was read the second time, and referred to the committee on Internal Improvements.

Senate bill for "An act regulating the sale of property," was read the third time, and

Mr. McClernand moved to refer the bill to a select committee of one from each judicial circuit.

Mr. Kitchell moved to refer the bill to the committee on the Judiciary; which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Baldwin, Beall, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Darnielle, Denny, Drummond, Emmerson, Francis, Froman, Gillespie, Hardin, Henderson, Hull, Kitchell, Leary, Lincoln, McClurken, McGinnis, Munsell, Parkinson, Phelps, Phillips, Reynolds, Trumbull, Turney, Webb, West, Wilson, Woodson, and Wood—37.

Those who voted in the negative, are,

Messrs. Able, Bentley, Bissell, Blackman, Busey, Carpenter, Cavarly, Courtright, Crain, Cunningham, Dodge, Dollins, Dougherty, Dunlap, English, Funk, Green, Hankins, Hicks, Humphrey, Kelly, Laughlin, Lester, Logan, McClernand, McDonald, McLean, Marshall, Menard, Minshall, Moore, Murphy of Cook, Odam, Olds, Oliver, Parsons, Peck, Ross, Scott, Threlkeld, Troy, Waters, Wheeler, and Mr. Speaker.—43.

When the motion to refer to a select committee was agreed to.

*Ordered*, That Messrs. McClernand, McLean, Hankins, Peck, Dodge, Thornton, Ormsbee, Ross, and Lincoln be said committee.

Mr. Archer moved for adoption the following resolution:

*Resolved by the House of Representatives, the Senate concurring herein*, That the Public Printer be authorized and required to publish neatly, in

pamphlet form, without delay, fifteen hundred copies of the act passed at this session, entitled "An act concerning public roads," to be distributed by the Secretary of State to the several counties for distribution to supervisors, agreeably to the population, as returned by the late census."

On motion of Mr. Charles,

The resolution was amended by striking out "fifteen hundred" and inserting "two thousand."

When the resolution, as amended, was agreed to.

*Ordered*, That the Clerk inform the Senate thereof, and ask their concurrence therein.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that they have concurred with them in the passage of a bill for "An act to incorporate the Peoria Marine and Fire Insurance Company," as amended by them.

In which amendment they ask the concurrence of the House of Representatives.

They have refused to order to a third reading, a bill for "An act for the relief of James McKee."

They have concurred with the House of Representatives in the passage of a bill for "An act to authorize the trustees of Shawneetown to construct a Macadamized road."

Senate bill for "An act to amend an act concerning judgments and executions," approved January 17th, 1835, was read the third time, when

Mr. Hardin moved to strike out the first clause of the eighth section, relating to chancery sales; which was not agreed to; when the bill passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein; and

On motion,

The House adjourned until 2 o'clock, P. M.

#### TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Cavarly moved that the House now resolve itself into committee of the Whole, on the revenue bills; which was not agreed to; when,

On motion of Mr. English,

The committee of the Whole were discharged from the further consideration of the same.

Mr. Henderson moved that the House now resolve itself into committee of the Whole on the apportionment bill.

Mr. Dodge demanded a call of the House,

And the roll having been called over, it appeared the following members were absent:

Messrs. Barnett, Bennett, Brown of Sangamon, Brown of Vermilion, Cox, Dougherty, Edwards, Gillespie, Lincoln, Ormsbee, Peck, Thornton, Webb, White, and Woodson.

Mr. Crain, from the committee on Enrolled Bills, reported that he had this day laid before the Council of Revision, bills of the following titles:



"An act to extend the provisions of an act, entitled 'An act to provide for the dedication of lots in towns situated on canal lands, to public purposes,' approved February 28th, 1839;

"An act to compel the school commissioners of Cook county to pay over certain monies to the school commissioners of Will, Du Page, McHenry, and Lake counties;"

"An act to authorize the county commissioners of Brown county to appoint an assessor;"

"An act changing a town plat therein named;"

"An act to authorize the building of a toll draw-bridge across the Calumet river;"

"An act to locate a State road in Bond, Madison, and St. Clair counties;"

"An act to provide for the collection of taxes for the year 1839, in Cass county;"

"An act in relation to the school fund."

Mr. Carpenter, on leave, introduced a bill for "An act to amend an act, entitled 'Au act concerning estrays,'" approved February 9th, 1835; which was read the first time, and the second time by its title, and referred to the committee on Agriculture and Manufactures.

Mr. Murphy of Cook, on leave, introduced a bill for "An act to authorize the Governor to appoint a certain agent of the State;" which was read the first time, and refused a second reading; when,

On motion of Mr. Trumbull,

Further proceedings under the call of the House were dispensed with,

When the House resolved itself into committee of the Whole, on the apportionment bill, Mr. Dougherty in the Chair, and after some time spent therein, the committee rose and reported an amendment to the bill.

Mr. Hardin moved to amend the bill, as follows:

1st. Strike out in the 6th line, from "to wit," to "Cook," in the 8th line, and insert "the county of Lake, one Representative, and the county of Cook, three Representatives, and the two together, one Senator."

2d. Amend by striking out so much as relates to Representatives in Will, Iroquois, and Du Page, in the 9th, 10th and 11th lines, and insert "the county of Du Page, one Representative, the county of Iroquois, one Representative, and the county of Will, two Representatives."

3d. Strike out so much as relates to Representatives in Kane, McHenry, Boone, and De Kalb, in the 11th, 12th, and 13th lines, and insert "the counties of Kane and De Kalb, two Representatives, the counties of Boone and McHenry, one Representative, and the four together, one Senator."

4th. Strike out so much as relates to the counties of Randolph and Monroe, in the 41st and 42d lines, and insert the "county of Monroe, one Representative, and the county of Randolph, two Representatives, and the two counties, one Senator."

5th. Strike out so much of the bill as relates to the counties of Clinton and Washington, and give them together two Representatives, and insert "the county of Clinton, one Representative, and the county of Washington, one Representative."

Mr. Logan demanded the previous question; which,

On motion of Mr. Hardin,

Was laid on the table by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Baldwin, Barnett, Beall, Bissell, Bradford, Brown of Sangamon, Canady, Cavarly, Charles, Cox, Cunningham, Darnielle, Denny, Drummond, Emmerson, English, Francis, Froman, Funk, Gillespie, Hardin, Henderson, Kitchell, Laughlin, Lincoln, McClernand, McDonald, McLean, Menard, Minshall, Munsell, Murphy of Cook, Oliver, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Trumbull, Waters, Webb, West, Wilson, and Woodson—47.

Those who voted in the negative, are,

Messrs. Bentley, Blackman, Busey, Carpenter, Courtright, Crain, Dodge, Dollins, Dougherty, Dunlap, Green, Hankins, Hicks, Hull, Humphrey, Kelly, Leary, Lester, Logan, McClurken, McGinnis, Marshall, Odam, Olds, Ormsbee, Parsons, Peck, Ross, Scott, Shepley, Turney, Wheeler, White, Wood, and Mr. Speaker—35.

And the question being put on concurring with the committee of the Whole, in their amendments to the bill,

It was decided in the affirmative; when,

On motion of Mr. Bissell,

The amendment proposed by Mr. Hardin, was laid on the table, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Barnett, Bentley, Bissell, Blackman, Busey, Carpenter, Courtright, Crain, Dodge, Dollins, Dougherty, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—45.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Cavarly, Charles, Cox, Cunningham, Darnielle, Denny, Drummond, Emmerson, Francis, Froman, Funk, Gillespie, Hardin, Henderson, Hull, Lincoln, McLean, Menard, Minshall, Munsell, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, Woodson, and Wood—38.

Mr. Brown of Sangamon moved to amend the first section of the bill in the 30th, 31st, and 32d lines, so as to make it read "the county of Sangamon, four Representatives and one Senator, the county of Menard, one Representative, the counties of Logan and Mason, one Representative, and the four together, one Senator."

Mr. Dollins demanded the previous question; which,

On motion of Mr. Gillespie,

Was laid on the table.

Mr. English moved to refer the bill to a select committee of one from each judicial circuit; which,

On motion of Mr. Dougherty,

Was laid on the table; when,

On motion of Mr. Peck,

The amendment proposed by Mr. Brown of Sangamon was laid on the table.

Mr. English moved to commit the bill to a committee of the Whole House; which,

On motion of Mr. McClernand,

Was laid on the table.

Mr. Trumbull moved to amend the bill as follows:

In section 1st, the 41st line, after the word "Senator" insert the words following: "and the two together, one Representative;"

When Mr. Trumbull moved the indefinite postponement of the bill; which,

On motion of Mr. Dougherty,

Was laid on the table, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Baldwin, Barnett, Bentley, Bissell, Blackman, Brown of Sangamon, Busey, Canady, Carpenter, Courtright, Crain, Dodge, Dollins, Dougherty, Drummond, Emmerson, Green, Hankins, Hicks, Hull, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Lincoln, Logan, McClernand, McGinnis, Marshall, Moore, Munsell, Murphy of Cook, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Phelps, Ross, Scott, Shepley, Turney, Waters, Wheeler, White, Wilson, Wood, and Mr. Speaker—52.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Bradford, Brown of Vermilion, Cavarly, Charles, Cox, Cunningham, Darnielle, Denny, Dunlap, English, Francis, Froman, Funk, Gillespie, Hardin, Henderson, McDonald, McLean, Menard, Minshall, Parkinson, Phillips, Reynolds, Thornton, Threlkeld, Troy, Trumbull, and Woodson—30.

Mr. McClernand moved the previous question; which,

On motion of Mr. Gillespie,

Was laid on the table.

Mr. Murphy of Cook moved to lay the amendment proposed by Mr. Trumbull on the table; which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Bentley, Blackman, Bradford, Busey, Courtright, Crain, Dodge, Dollins, Dougherty, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kelly, Laughlin, Leary, Logan, McClernand, McDonald, McGinnis, Marshall, Murphy of Cook, Oliver, Ormsbee, Parsons, Peck, Ross, Scott, Shepley, Turney, Waters, Wheeler, White, Wilson, Wood, and Mr. Speaker—39.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Baldwin, Barnett, Beall, Bissell, Brown of Sangamon, Brown of Vermilion, Carpenter, Cavarly, Charles, Cox, Cunningham, Darnielle, Denny, Drummond, Emmerson, Francis, Funk, Gillespie, Hardin, Henderson, Hull, Kitchell, Lester, Lincoln, McClurken, McLean, Menard, Minshall, Moore, Munsell, Odam, Olds, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Trumbull, and Woodson—43.

Mr. Bradford moved the reference of the bill to a select committee of two from each judicial circuit, to be selected by the Representatives from each circuit respectively.

Mr. Parsons moved to lay the motion to refer on the table, which was agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Bailey, Barnett, Bentley, Bissell, Blackman, Busey, Car-

penter, Courtright, Crain, Dodge, Dollins, Dougherty, Dunlap, Green, Hankins, Hardin, Hicks, Humphrey, Kelly, Laughlin, Leary, Lester, Logan, McClernand, Marshall, Minshall, Moore, Murphy of Cook, Olds, Oliver, Ormsbee, Parsons, Peck, Phelps, Ross, Scott, Shepley, Threlkeld, Waters, Webb, Wheeler, White, Wilson, Wood, and Mr. Speaker—46.

Those who voted in the negative, are,

Messrs. Archer, Baldwin, Beall, Bradford, Brown of Sangamon, Cavarly, Charles, Cox, Cunningham, Darnielle, Denny, Drummond, Emerson, English, Francis, Funk, Gillespie, Henderson, Hull, Kitchell, Lincoln, McClurken, McDonald, McLean, Menard, Munsell, Odam, Parkinson, Phillips, Reynolds, Thornton, Troy, Trumbull, and Woodson—34.

Mr. McClernand moved the previous question.

Mr. Cavarly moved to lay the motion for the previous question on the table; which was not agreed to;

When the demand for the previous question was sustained, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Baldwin, Barnett, Bentley, Bissell, Blackman, Busey, Carpenter, Courtright, Crain, Dodge, Dollins, Dougherty, Dunlap, Emerson, Green, Hankins, Hicks, Humphrey, Kelly, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McGinnis, Marshall, Moore, Murphy of Cook, Olds, Ormsbee, Parsons, Peck, Scott, Shepley, Waters, Wheeler, White, Wilson, Wood, and Mr. Speaker—42.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Bradford, Brown of Sangamon, Brown of Vermilion, Cavarly, Charles, Cox, Cunningham, Darnielle, Denny, Drummond, English, Francis, Funk, Gillespie, Hardin, Henderson, Hull, Kitchell, Lincoln, McDonald, McLean, Menard, Minshall, Munsell, Odam, Oliver, Parkinson, Phillips, Reynolds, Ross, Thornton, Threlkeld, Troy, Trumbull, Webb, and Woodson—38.

And the question being put on agreeing to the amendment proposed by Mr. Trumbull,

It was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Baldwin, Barnett, Bissell, Blackman, Carpenter, Cavarly, Crain, Dodge, Dougherty, Gillespie, Hankins, Henderson, Hicks, Leary, Lester, Logan, McClernand, McGinnis, Marshall, Moore, Munsell, Olds, Parsons, Reynolds, Trumbull, Wheeler, White, Wilson, and Mr. Speaker—30.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bentley, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Charles, Courtright, Cox, Cunningham, Darnielle, Denny, Dollins, Drummond, Emmerson, English, Francis, Funk, Green, Hardin, Hull, Humphrey, Kelly, Kitchell, Laughlin, Lincoln, McClurken, McDonald, McLean, Menard, Minshall, Murphy of Cook, Odam, Oliver, Parkinson, Peck, Phelps, Phillips, Ross, Scott, Shepley, Thornton, Threlkeld, Troy, Webb, Woodson, and Wood—49.

When the bill was

*Ordered* to be engrossed, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Barnett, Bentley, Bissell, Blackman, Busey, Carpenter, Charles, Courtright, Crain, Dodge, Dollins, Dougherty, Drummond, Dun-

lap, Emmerson, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McGinnis, Marshall, Moore, Murphy of Cook, Odam, Olds, Oliver, Ormsbec, Parsons, Peck, Ross, Scott, Shepley, Waters, Wheeler, White, Wilson, Wood, and Mr. Speaker—47.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Baldwin, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Cavarly, Cox, Cunningham, Darnielle, Denny, English, Francis, Funk, Gillespie, Harbin, Henderson, Hull, Lincoln, McDonald, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Trumbull, Webb, and Woodson—36.

When,

On motion,

The House adjourned.

### WEDNESDAY, FEBRUARY 17, 1841.

House met pursuant to adjournment.

Mr. Crain, from the committee on Engrossed Bills, reported as correctly engrossed, bills of the following titles:

“An act to authorize the State to lease the mills at New Haven and Carmi, on the Little Wabash river;”

“An act to incorporate the Henderson county Road and Ferry Company;”

“An act for the relief of William Dormady;”

“An act to authorize the county commissioners of Tazewell county, to lease certain offices;”

“An act to amend ‘An act, creating the Exeter Manufacturing Company;”

“An act to release from taxation religious places of worship.”

Mr. Thornton presented the petition of citizens of Illinois and Iowa; which without reading, on his motion, was referred to the committee on the Judiciary.

Mr. Parsons presented the petition of —————; which, without reading, on his motion, was referred to the committee on Public Accounts and Expenditures.

Mr. Charles presented the petition of citizens of Hancock county, in relation to the Des Moines Rapids railroad; which, without reading, on his motion, was referred to the committee on Internal Improvements.

Mr. Woodson presented the petition of citizens of Jersey county; which, without reading, on his motion, was referred to the committee on Counties.

The bill for “An act to amend an act, entitled ‘An act concerning minors, orphans, and guardians,’ reported yesterday from the committee on the Judiciary, with an amendment, was considered; and the amendment of the committee concurred in, and the bill

*Ordered to be engrossed.*

Mr. Hardin, from the committee on the Judiciary, to which was referred a Senate bill for "An act supplemental to an act, to amend an act, entitled 'An act, to regulate tavern and grocery licenses,'" reported the same back to the House without amendment; when the bill was

*Ordered* to a third reading; and

On motion of Mr. Hardin,

The rules of the House were dispensed with, the bill now read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof.

Mr. Hardin, from the committee on the Judiciary, to which was referred the Senate bill for "An act to amend an act, simplifying proceedings at law, for the collection of debts," approved February 25, 1833," reported the same back to the House without amendment; when,

Mr. Cavarly moved the previous question; which was sustained, and the bill

*Ordered* to a third reading.

Mr. Murphy of Cook, moved for adoption the following rule:

"**RULE** — That the rule adopted by this House, prohibiting reports from standing committees after the hour of 10 o'clock, be rescinded;" which was not agreed to.

Mr. Shepley presented the petition of citizens of Fulton county, for the removal of the county seat of said county; which, without reading, on his motion, was referred to the committee on Counties.

On motion of Mr. Lincoln,

The bill for "An act supplemental to the charter of the Springfield and Alton Turnpike Road Company," was taken up from the table, and placed in the orders of the day.

On motion of Mr. Dougherty,

The bill for "An act to complete the Central railroad," was considered, and

On motion of Mr. Ross,

Laid on the table, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bailey, Baldwin, Barnett, Beall, Bennett, Bissell, Blackman, Bradford, Brown of Sangamon, Buscy, Canady, Carpenter, Cavarly, Charles, Cox, Cunningham, Denny, Dollins, Drummond, Dunlap, Emmerson, English, Francis, Froman, Funk, Hardin, Hull, Humphrey, Kelly, Kitchell, Laughlin, Lester, McClurken, McDonald, McLean, Minshall, Moore, Munell, Odam, Olds, Oliver, Parkinson, Parsons, Phillips, Reynolds, Ross, Scott, Shepley, Thirkeld, Troy, Trumbull, Waters, Webb, West, Wheeler, Wilson, Woodson, and Wood—58.

Those who voted in the negative, are,

Messrs. Able, Bentley, Courtright, Crain, Darnielle, Dodge, Dougherty, Gillespie, Green, Hankins, Henderson, Hicks, Lincoln, Logan, McClernand, McGinnis, Menard, Murphy of Cook, Peck, Thornton, Turney, White, and Mr. Speaker—23.

Mr. Crain, from the committee on Engrossed Bills, reported as correctly engrossed, a bill for "An act for the relief of the purchasers of land in the 16th sections, townships 6 and 8 north, of ranges 5 and 6 east of the third principal meridian, in the county of Effingham."

Engrossed bills of the following titles were severally read the third time, and passed.

"An act for the relief of the late collector of Fulton county;"

"An act to locate a State road;"

"An act requiring the county commissioners' court of Edgar county, to establish an additional election precinct in said county;"

"An act to authorize the county commissioners' clerk of Du Page, to keep his office as at present located;"

"An act to locate a State road therein named;"

"An act incorporating the Mississippi Bridge Company;"

"An act to establish a turnpike road from Springfield, via Beardstown to Quincy, and from Beardstown to Warsaw;"

"An act supplemental to an act, entitled 'An act amending the several acts, incorporating the town of Galena,'" approved February 15, 1839;

"An act to incorporate the Illinois Grand Tower Company, for the manufacture of iron, and for other purposes;"

"An act to incorporate the town of Rock Island, in Rock Island county;"

"An act to establish a ferry on the Mississippi river, in Pike county;"

"An act incorporating the Phoenix Insurance Company."

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives, that they have passed a bill for "An act to amend an act incorporating the town of Belleville."

In the passage of which they ask the concurrence of the House of Representatives.

Engrossed bill for "An act to revive an act, entitled 'An act to amend an act, relative to criminal jurisprudence,'" approved January 19, 1829, was read the third time, and passed, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Bennett, Bentley, Bissell, Blackman, Bradford, Brown of Sang., Carpenter, Charles, Cox, Cunningham, Daruville, Denny, Emmerson, English, Francis, Froman, Green, Hardin, Henderson, Hicks, Hull, Kitchell, Leary, Lester, Lincoln, Logan, McClurken, McDonald, McGinniss, McLean, Menard, Minshall, Munsell, Odam, Olds, Oliver, Parkinson, Parsons, Phelps, Phillips, Ross, Scott, Thornton, Troy, Waters, Wheeler, Wilson, Woodson, and Mr. Speaker—51.

Those who voted in the negative, are,

Messrs. Able, Baldwin, Busey, Canady, Crain, Dollins, Dougherty, Dunlap, Funk, Gillespie, Hawkins, Humphrey, McClernand, Moore, Murphy of Cook, Ormsbee, Peck, Reynolds, Shepley, Threlkeld, Trumbull, Turney, Webb, and White—25.

Engrossed bill for "An act to prevent the further sale of State Bonds, except for special purposes therein set forth," was read the third time; when,

Mr. Munsell demanded a call of the House;

And the roll being called over, it appeared that the following members were absent:

Messrs. Barnett, Beall, Dodge, Dougherty, Kelly, McClernand and Marshall.

Pending the call of the House,

The House bill for "An act to incorporate the Peoria Marine and Fire Insurance Company," with the Senate amendments thereto, were considered, and the Senate amendments concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Ross, on leave, introduced a bill for "An act to authorize Philo M. Knapp to inclose certain streets and alleys in Little's addition to the town of Canton;" which was read the first time, and the second and third times by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

The doorkeeper having reported under the call,

The House resumed the consideration of the bill for "An act to prevent the further sale of State Bonds, except for special purposes therein set forth;" when,

Mr. Peck moved the reference of the bill to the committee on Canals and Canal Lands; and after discussion,

Mr. Webb moved the main question; which was sustained.

Mr. Bissell moved the reconsideration of the vote, on ordering the main question; which was agreed to.

And the question being put, on referring the bill to the committee on Canals and Canal Lands,

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Baldwin, Barnett, Beall, Bissell, Busey, Carpenter, Carvary, Courtright, Crain, Darnielle, Denny, Dodge, Dollins, Drummond, English, Gillespie, Green, Hankins, Hardin, Henderson, Hull, Humphrey, Laughlin, Leary, Lester, Lincoln, Logan, McClernand, McDonald, McGinnis, Moore, Murphy of Cook, Odam, Oliver, Parsons, Peck, Phelps, Reynolds, Ross, Shepley, Trumbull, Turney, Waters, West, Wheeler, White, Wood, and Mr. Speaker—49.

Those who voted in the negative, are,

Messrs. Bailey, Bennett, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Dunlap, Emerson, Francis, Froman, Funk, Hicks, Kelly, Kitchell, McClurken, McLean, Menard, Minshall, Munsell, Parkinson, Phillips, Thornton, Threlkeld, Troy, Webb, Wilson, and Woodson—31.

Senate bill for "An act to locate and establish a State road from Peoria, in Peoria county, to Fairview, in Fulton county," was read the first, second, and third times by its title, and passed.

*Ordered*, That the titles be as aforesaid, and that the Clerk inform the Senate thereof.

Senate bill for "An act to authorize the election of an additional county commissioner for Henderson county," was read the first time, and the second and third times by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof.

Senate bill for "An act to establish county courts," was read the first time; when,

On motion,

The House adjourned until 2 o'clock, P. M.



TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Crain, from the committee on Engrossed Bills, reported as correctly enrolled, bills of the following titles:

"An act to sell the school section in township fourteen north, of range eight east, of the fourth principal meridian;"

"An act to amend an act, entitled 'An act to regulate tavern and grocery licenses;'"

"An act to incorporate the Marion Academy, in Williamson county;"

"An act to create the county of Grundy, from the county of La Salle;"

"An act concerning the revenue in Bond county;"

"An act to authorize James M. Strode to build a dam across Fox river;"

"An act changing the name of Chatham, in Whiteside county;"

"An act supplemental to an act, entitled 'An act, in relation to the Charleston Seminary and Jonesboro' College,'" approved February 3, 1840;

"An act making compensation to John L. Heflington and others, for the apprehension of Aaron and William Todd;"

"An act to relocate the county seat of Lake county."

Also, as correctly enrolled, a resolution recommending to the electors of this State, at the next general election for members of the General Assembly, to vote for or against a convention, to amend the Constitution.

Mr. Trumbull moved that the House now resolve itself into committee of the Whole, on the bill making appropriations for the years 1841 and 1842.

Mr. Kitchell demanded a call of the House: when the roll being called over, it appeared that the following members were absent:

Messrs. Baldwin, Bennett, Bissell, Blackman, Brown of Sangamon, Brown of Vermilion, Cavarly, Dodge, Gillespie, Green, Harlin, Hicks, Humphrey, Kelly, Laughlin, Lincoln, Logan, McClurken, McDonald, Menard, Murphy of Perry, Olds, Oliver, Peck, Shepley, Thornton, Webb, White, Woodson, and Wool; and pending the call,

Mr. Ross, from the committee on Finance, to which was referred the bill for "An act for the sale of certain lots therein named," reported the same back to the House, and recommended its passage; when the bill was read the third time by its title, and passed.

*Ordered*, That the Clerk inform the Senate thereof, and ask their concurrence therein.

Senate bill for "An act to amend an act, incorporating the City of Springfield," approved February 3, 1840, was read the third time, and

On motion of Mr. Lincoln,

The bill was amended by striking out all the first section after the word "repealed" in the eighth line thereof, and inserting the following, to wit:

"And hereafter every inhabitant of said city, who is entitled to vote for State officers, and who has the requisite length of residence according to the act to which this is an amendment, shall be eligible to the office of mayor or alderman of said city;" when the bill was passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence in the amendments thereto.

Senate bills of the following titles were severally read the third time, and passed.

"An act to locate a State road from Shelbyville to Mint Point in Coles county;"

"An act to facilitate the collection of judgments by executors and administrators;"

"An act to prevent collectors from speculating on Auditor's warrants;"

"An act for the relief of William S. Crawford."

*Ordered*, That the titles be as aforesaid, and that the Clerk inform the Senate thereof.

Senate bill for "An act to provide for settlers on lands purchased by the State," was read the third time, and passed as amended.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence in the amendment thereto.

House bill for "An act in relation to the present State House Commissioners," was read the second time by its title, and

*Ordered* to be engrossed.

A message from the Senate, by Mr. Harrison, a Senator:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that they have adopted the following resolution:

*Resolved by the Senate, the House of Representatives concurring herein*, That the two Houses meet in the Hall of the House of Representatives on the 18th inst., at 4 o'clock, P. M., for the purpose of electing a President, Acting Commissioner, and Treasurer of the Board of Canal Commissioners, and State's Attornies for the several Judicial Circuits of this State."

In the passage of which, they ask the concurrence of the House of Representatives.

House bill for "An act to extend the limits of Menard county," was read the second time by its title, and

Mr. Francis moved to lay the bill on the table, until the fourth day of July next; when the doorkeeper having reported, the House,

On motion of Mr. Trumbull,

Resolved itself into committee of the Whole, on the bill making appropriations for the years 1841 and 1842;

Mr. Dodge in the Chair;

And after some time spent therein, the committee rose and reported sundry amendments, in which they asked the concurrence of the House,

And the Senate resolution proposing to go into the election of President, Acting Commissioner, and Treasurer of the Canal Board and State's Attornies on the 18th inst., was read, and

Mr. Trumbull moved to strike out State's Attornies; which was not agreed to.

When the resolution was agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Barnett, Bentley, Bissell, Bradford, Brown of Sangamon, Busey, Carpenter, Cavarly, Courtright, Darnielle, Dodge, Dougherty, Drummond, English, Gillespie, Green, Hawkins, Henderson, Humphrey, Laughlin, Leary, Lester, Lincoln, McClermand, McDonald, Menard, Minshall,

Murphy of Cook, Parsons, Peck, Phelps, Phillips, Reynolds, Ross, Shepley, Thornton, Turney, Webb, West, Wheeler, White, Wood, and Mr. Speaker—43.

Those who voted in the negative, are,

Messrs. Bailey, Bennett, Brown of Vermilion, Canady, Cox, Crain, Cunningham, Denny, Dollins, Dunlap, Emmerson, Francis, Funk, Hardin, Hicks, Hull, Kitchell, McClurken, McLean, Moore, Munsell, Odum, Olds, Oliver, Threlkeld, Troy, Trumbull, and Wilson—28.

When on motion,

The House adjourned.

## THURSDAY, FEBRUARY 18, 1841.

House met pursuant to adjournment.

Mr. Kitchell presented the petition of citizens of Montgomery county for a State road; which, without reading, on his motion, was referred to the committee on State Roads.

Mr. Charles presented the petition of citizens of Hancock county for State roads; which, without reading, on his motion, was referred to the committee on State Roads.

Mr. Shepley presented the petition of citizens of Fulton county, for the removal of the county seat of said county; which, without reading, on his motion, was referred to the committee on Counties.

Mr. Crain from the committee on Engrossed Bills, reported that he had on Tuesday last laid before the Council of Revision for their approval, bills of the following titles:

A bill for "An act to relocate the county seat of Lake county;"

A bill for "An act making compensation to John L. Heffington and others, for the apprehension of Aaron and William Todd;"

A bill for "An act supplemental to an act, entitled 'An act in relation to the Charleston Seminary and Jonesboro' College,'" approved 3d February, 1840;

A bill for "An act changing the name of Chatham, in Whiteside county;"

A bill for "An act to authorize James M. Strode to build a dam across Fox river;"

A bill for "An act concerning the revenue in Bond county;"

A bill for "An act to create the county of Grundy from the county of La Salle;"

A bill for "An act to incorporate the Marion Academy, in Williamson county;"

A bill for "An act to amend an act, entitled 'An act to regulate tavern and grocery licenses,'" and

A bill for "An act to sell the school section in township fourteen north, of range eight, east of the fourth principal meridian."

A message from the Senate, by Mr. Berry, their Assistant Secretary:

Mr. Speaker: I am directed by the Senate to inform the House of Representatives that the Senate have adopted the following resolution, viz:

"Resolved by the General Assembly, That the Auditor, Treasurer, and Secretary of State, appointed by an act, entitled 'An act ma-

king appropriations for work done on the State House, and materials furnished," approved January 29, 1841, to examine into all claims against the State on account of the State House, and certify such as should be found valid, be, and they are hereby authorized and required to allow the certificates issued by the State House Commissioners, without requiring the vouchers upon which such certificates were predicated, unless where it may appear to the Board that fraud has taken place in the obtaining of the same.

In the passage of which resolution they ask the concurrence of the House of Representatives.

I am also directed by the Senate to inform the House of Representatives that they have concurred with them in the passage of a bill for "An act for the relief of the collector of Pope county."

A message from the Council of Revision, by Mr. Purinton, Clerk of the Council:

*Mr. Speaker:* I am directed by the Council of Revision to inform the House of Representatives that they have this day approved bills of the following titles, viz:

"An act to extend the provisions of an act, entitled 'An act to provide for the dedication of lots in towns situated on canal lands, to public purposes,'" approved February 28th, 1849;

"An act changing a town plat therein named;"

"An act to authorize the county commissioners of Brown county to appoint an assessor;"

"An act to authorize the building of a toll draw-bridge across the Calumet river;"

"An act to compel the school commissioners of Cook county to pay over certain monies to the school commissioners of Will, Du Page, McHenry, and Lake counties;"

"An act in relation to the school fund;"

"An act to amend an act to regulate tavern and grocery licenses;"

"An act supplemental to an act, entitled 'An act in relation to the Charleston Seminary and Jonesboro' College,'" approved 3d February, 1840;

"An act making compensation to John L. Heflington and others, for the apprehension of Aaron and William Todd;"

"An act changing the name of the town of Chatham, in Whiteside county;"

"An act to authorize James M. Strode to build a dam across Fox river;"

"An act to incorporate the Marion Academy, in Williamson county;"

"An act to create the county of Grundy, from the county of La Salle;"

"An act concerning the revenue in Bond county;"

"An act to locate a State road in Bond, Madison, and St. Clair counties;"

"An act to provide for the collection of taxes for the year 1839, in Cass county."

Mr. Trumbull, from the committee on the Judiciary, to which was referred the Senate bill for "An act to establish circuit courts," reported the same back to the House, with amendments:

And Mr. Waters moved to amend the report of the committee relating to the times of holding courts in the third circuit, by striking out "Fridays" as the time of holding courts in Hardin county, and inserting "Mondays" before the word "thereafter;" which was agreed to; when,

On motion of Mr. Trumbull,

So much of the report as relates to the 3d circuit was stricken out; when,

On motion of Mr. Charles,

So much of the report as relates to the 5th circuit was stricken out.

Mr. Cox moved to strike out "fifteen hundred dollars" and insert "one thousand dollars" as the compensation of Justices of the Supreme Court; which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bennett, Brown of Sangamon, Brown of Vermilion, Canady, Cox, Froman, Funk, Hardin, Henderson, Hull, Parkinson, Phillips, Webb, and Woodson—17.

Those who voted in the negative, are,

Messrs. Able, Bailey, Baldwin, Barnett, Bentley, Bissell, Blackman, Bradford, Busey, Carpenter, Cavarly, Charles, Courtright, Crain, Cunningham, Darnielle, Denny, Dollins, Drummond, Dunlap, Edwards, Emmerson, English, Francis, Gillespie, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Lincoln, Logan, McClelland, McDonald, McGinnis, McLean, Marshall, Menard, Minshall, Moore, Munsell, Murphy of Cook, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Phelps, Reynolds, Ross, Scott, Shepley, Thornton, Threlkeld, Troy, Trumbull, Turney, Waters, West, Wheeler, White, Wilson, and Mr. Speaker—68.

Mr. Trumbull demanded the previous question, which was not sustained.

Mr. Drummond moved to amend the report by striking out the name of "Thomas C. Browne" and inserting "Samuel H. Treat," as relates to the sixth circuit, and by striking out "Samuel H. Treat" and inserting "Thomas C. Browne" as relates to the 8th judicial circuit.

Mr. Henderson moved to re-commit the bill to the Judiciary committee with instructions to require each of the Judges to perform circuit duties in each of the circuits of this State alternately.

Mr. Trumbull moved to lay the proposed amendments on the table:

Mr. Lincoln demanded a division of the question, so as to take the vote on laying each of the amendments separately, on the table;

And the question being put on laying the motion of Mr. Henderson on the table,

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Baldwin, Barnett, Bennett, Bentley, Bissell, Courtright, Crain, Dollins, Dougherty, Drummond, Edwards, Emmerson, English, Gillespie, Green, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClelland, McClurken, McLean, Moore, Munsell, Murphy of Cook, Olds, Oliver, Parsons, Phelps, Ross, Scott, Shepley, Threlkeld, Trumbull, Turney, West, Wheeler, White, Wilson, Woodson, Wood, and Mr. Speaker—47.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Francis, Froman, Funk, Hankins, Hardin, Henderson, Hull, Lincoln, McDonald, McGinnis, Marshall, Menard, Minshall, Odam, Ormsbee, Parkinson, Peck, Phillips, Reynolds, Thornton, Troy, Waters, and Webb—35.

The question being then put on laying the amendment proposed by Mr. Drummond on the table,

It was decided in the negative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Baldwin, Barnett, Bentley, Bissell, Busey, Cavarly, Courtright, Crain, Dollins, Dougherty, English, Hankins, Hicks, Humphrey, Kitchell, Laughlin, Leary, Lester, Logan, McClurken, McDonald, McGinnis, Marshall, Moore, Olds, Oliver, Parsons, Ross, Scott, Shipley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—37.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Drummond, Dunlap, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Hardin, Henderson, Hull, Kelly, Lincoln, McLean, Menard, Minshall, Munsell, Murphy of Cook, Odam, Parkinson, Peck, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, and Woodson—41.

Mr. Ross demanded a call of the House;

And the roll having been called over, it appeared the following members were absent:

Messrs. Carpenter, Dodge, and McClelland.

Pending the call,

Mr. Brown of Vermilion, on leave, introduced a bill for "An act authorizing the Governor to order a special election for Congress, in the event of an extra session before the first Monday in August," which was read the first time, and the second time by its title, and

Mr. Ross moved to refer the bill to the committee on Elections; which was not agreed to; and the bill was

*Ordered* to be engrossed.

The Speaker laid before the House a communication from the President of the State Bank.

Mr. Trumbull moved to refer the communication to the committee on Banks and other Corporations.

Mr. English moved to refer it to the committee on Salines and Saline Lands; when,

On motion of Mr. Hardin,

It was laid on the table.

The Speaker also laid before the House a communication from R. F. Barrett, Fund Commissioner; which was,

On motion of Mr. Lincoln,

Laid on the table.

The Doorkeeper having reported under the call,

Mr. Leary moved the previous question; which was sustained.

The question then being on the first branch of Mr. Drummond's amendment,

It was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Hardin, Henderson, Lincoln, McLean, Menard, Min-

shall, Munsell, Murphy of Cook, Odam, Parkinson, Peck, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, and Woodson—42.

Those who voted in the negative, are,

Messrs. Able, Baldwin, Barnett, Bentley, Bissell, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dunlap, English, Green, Hanks, Hicks, Hull, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Olds, Oliver, Ormsbee, Parsons, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—45.

The question then recurring on the second branch of Mr. Drummond's amendment,

It was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Hardin, Henderson, Lincoln, McLean, Menard, Minshall, Munsell, Murphy of Cook, Odam, Parkinson, Peck, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, and Woodson—41.

Those who voted in the negative, are,

Messrs. Able, Baldwin, Barnett, Bentley, Bissell, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, Dunlap, English, Green, Hanks, Hicks, Hull, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Olds, Oliver, Ormsbee, Parsons, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—46.

When the question being on concurring with the committee in their amendments, as amended,

It was decided in the affirmative,

And the bill

*Ordered* to be engrossed for a third reading.

On motion of Mr. Hicks,

The bill for "An act to change the time of holding a portion of the circuit courts in the third judicial circuit in this State," was taken up from the table, and referred to the members of the third judicial circuit.

The bill for "An act to establish county courts," coming up for consideration, it was refused a second reading, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Bentley, Bissell, Cavarly, Crain, Dodge, English, Green, Hanks, Humphrey, Kelly, Laughlin, McClernand, McClurken, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Ross, Shepley, Trumbull, Turney, Wood, and Mr. Speaker—25.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Barnett, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Carpenter, Charles, Courtright, Cox, Cunningham, Darnielle, Denny, Dollins, Dougherty, Drummond, Dunlap, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Hardin, Henderson, Hicks, Hull, Kitchell, Leary, Lester, Lincoln, Logan, McLean, Menard, Minshall, Munsell, Odam, Olds, Oliver, Ormsbee, Parsons, Phelps, Phillips, Reynolds, Scott, Thornton, Threlkeld, Troy, Waters, Webb, West, Wheeler, White, Wilson, and Woodson—59.

The bill for "An act to extend the boundaries of Menard county," coming up for consideration, the question pending when the House adjourned yesterday, was on laying the bill on the table till the 4th of July next, and

It was decided in the negative,

And the bill was refused to be engrossed, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Beall, Bennett, Bentley, Dodge, Edwards, Emmerson, Gillespie, Green, Henderson, Humphrey, Lester, McClelland, McDonald, Marshall, Munsell, Odam, Oliver, Ormsbee, Parsons, Ross, Shepley, Thornton, Turney, Waters, West, Wheeler, White, and Mr. Speaker—27.

Those who voted in the negative, are,

Messrs. Bailey, Baldwin, Bissell, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Carpenter, Charles, Courtright, Cunningham, Darnielle, Denny, Dollins, Dougherty, Dunlap, Francis, Froman, Funk, Hardin, Hull, Kelly, Kitchell, Laughlin, Lincoln, Logan, McClurken, Minshall, Moore, Olds, Parkinson, Phillips, Reynolds, Threlkeld, Troy, Trumbull, Webb, Wilson, and Wood—40.

The bill for "An act in relation to Cass county," was taken up for consideration, and Mr. Hardin moved the postponement of the subject till the 4th day of July next; which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Baldwin, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Drummond, Dunlap, Emmerson, Francis, Froman, Funk, Hardin, Hull, Kelly, Kitchell, Laughlin, Leary, Lincoln, Logan, McLean, Moore, Olver, Parkinson, Phillips, Threlkeld, Troy, Webb, Wilson, Wood, and Mr. Speaker—37.

Those who voted in the negative, are,

Messrs. Beall, Bennett, Bentley, Bissell, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Edwards, Green, Henderson, Hicks, Humphrey, Lester, McClelland, McClurken, McDonald, McGinnis, Marshall, Minshall, Munsell, Odam, Olds, Ormsbee, Parsons, Peck, Phelps, Reynolds, Scott, Shepley, Turney, Waters, West, Wheeler, and White—38.

And the question being on concurring with the report of the select committee in their amendments,

It was decided in the negative; when

The House adjourned until 2 o'clock.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. English demanded a call of the House, and the roll being called over, it appeared that the following members were absent:

Messrs. Blackman, Brown of Vermilion, Dodge, Kelly, Odam, and Ormsbee; and pending the call,

The bill for "An act to provide for leasing the Saline reserve lands in



Jackson county, and for granting pre-emption rights to certain persons therein named," was read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

The bill for "An act requiring the school commissioner of Cook county to pay certain monies therein named," was read the first time, and the second time by its title, and

On motion of Mr. Murphy of Cook,

Referred to a select committee.

*Ordered*, That Messrs. Murphy of Cook, Peck, and Laughlin be said committee.

Mr. Cavarly, on leave, introduced a bill for "An act for the relief of Amos Memott;" which was read the first time, and the second and third times by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Leary, from the select committee to which was referred the bill for "An act in relation to the school fund of the city of Chicago," reported the same back to the House, and recommended its passage; when the bill was

*Ordered* to a third reading.

And the rules of the House being dispensed with, the bill was now read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Murphy of Cook; from the committee on Banks and Corporations, to which was referred a Senate bill for "An act to incorporate the Nauvoo House Association," reported the same back to the House, and recommended its passage; when the bill was

*Ordered* to a third reading; and

On motion of Mr. English,

Further proceedings under the call of the House were dispensed with.

Mr. Crain, from the committee on Engrossed Bills, reported as correctly engrossed, bills of the following titles, viz:

"A bill for an act to establish a ferry across the Fox and Illinois rivers at Ottawa;"

"A bill for an act to authorize John Wilson to keep a ferry across the Mississippi river;"

"A bill for an act in relation to the penitentiary;"

"A bill for an act to amend an act, for the relief of insolvent debtors;"

"A bill for an act to repeal an act therein mentioned;"

"A bill for an act to enable purchasers of real estate to ascertain whether the same is free from incumbrances, and to prevent secret liens of attachments and executions;" and

"A bill for an act relating to the recording or registering conveyances, or other instruments in writing, executed out of this State, and within the United States;" when,

The bill for "An act making appropriations for the years 1841 and 1842;" was taken up for consideration; and the question being on concurring with the committee of the Whole House in their amendments to the bill.

On motion of Mr. Turney,

The report was amended by striking out "sixteen hundred dollars," as the compensation of the Attorney General, and inserting "one thousand dollars," by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Charles, Cox, Crain, Cunningham, Denny, Dolins, Edwards, Emmerson, Francis, Froman, Funk, Hardin, Henderson, Hull, Lincoln, McClurken, Menard, Minshall, Moore, Munsell, Oliver, Parkinson, Parsons, Phelps, Phillips, Ross, Thornton, Threlkeld, Troy, Trumbull, Turney, Webb, Wheeler, White, Wilson, and Woodson—44.

Those who voted in the negative, are,

Messrs. Able, Archer, Bentley, Bissell, Carpenter, Cavarly, Courtright, Dodge, Dougherty, Drummond, Dunlap, English, Gillespie, Green, Hankins, Hicks, Humphrey, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McDonald, McGinnis, McLean, Marshall, Murphy of Cook, Odam, Olds, Ormsbee, Reynolds, Scott, Shepley, West, and Mr. Speaker—36.

Mr. Trumbull moved to amend the report by striking out "forty-eight hundred dollars," and insert "four thousand dollars" as the compensation in full, to the Auditor of Public Accounts.

Which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Crain, Cunningham, Darnielle, Denny, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Hardin, Henderson, Hull, Kitchell, Lester, Menard, Moore, Munsell, Parkinson, Parsons, Phelps, Phillips, Ross, Thornton, Threlkeld, Troy, Trumbull, Webb, Wheeler, Wilson, and Woodson—40.

Those who voted in the negative, are,

Messrs. Able, Bailey, Bentley, Bissell, Busey, Carpenter, Cavarly, Courtright, Dodge, Dollins, Dougherty, Drummond, Dunlap, English, Green, Hankins, Hicks, Humphrey, Laughlin, Leary, Logan, McClernand, McClurken, McDonald, McGinnis, McLean, Marshall, Minshall, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Peck, Reynolds, Scott, Shepley, Turney, Waters, White, Wood, and Mr. Speaker—44.

Mr. Ross moved to amend the report, as follows:

"To Joseph L. Sharp, as doorkeeper for the enrolling and engrossing clerks of the two Houses of the present session of the General Assembly, and for attending on the Auditors office, the sum of three dollars per day."

Mr. White demanded the previous question,

And the question being—"Shall the main question be now put?"

It was decided in the negative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Bentley, Bissell, Busey, Cavarly, Courtright, Crain, Dodge, Dollins, Dunlap, English, Green, Hankins, Hicks, Humphrey, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Minshall, Moore, Murphy of Cook, Olds, Oliver, Ormsbee, Parsons, Reynolds, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—41.

Those who voted in the negative, are,

Messrs. Bailey, Baldwin, Beall, Bennett, Brown of Sangamon, Brown of Vermilion, Canady, Carpenter, Charles, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Edwards, Emmerson, Francis, Freeman, Funk, Gillespie, Hardin, Henderson, Hull, Kitchell, Lincoln, McLean, Menard, Munsell, Murphy of Peery, Odam, Parkinson, Peck, Phelps, Phillips, Ross, Thornton, Threlkeld, Troy, Waters, Webb, West, and Woodson—43.

When the amendment proposed by Mr. Ross was agreed to.

Mr. Peck moved to amend the report by adding the following:

"To William W. Watson, the sum of eighty-one dollars, for the use of room for the Supreme Court, twenty-seven days, for June term of said court, 1840;" which was agreed to.

Mr. Munsell moved to amend the report as follows:

"To three witnesses examined before the select committee raised by this House, to examine and report to this House on the accounts of the former Board of Public Works — per day, for each day's attendance; the number of days to be certified by the chairman of said select committee."

On motion of Mr. Munsell,

The blank in the above amendment was filled with "one dollar," and the amendment as amended, was agreed to.

Mr. White moved that the House reconsider the vote on striking out sixteen hundred, and inserting "one thousand dollars" as the compensation to the Attorney General; which motion,

On motion of Mr. Turney,

Was laid on the table.

Mr. Phelps moved to amend the report as follows:

"SEC. — To the treasurer of the county of Peoria, the sum of three hundred and sixteen dollars and sixty-one cents, to be by him applied to the payment of such sums as are legally due to the justices of the peace, constables and witnesses, who were required to attend at the taking of depositions in the case of the contested election, between N. H. Purple, and W. J. Phelps, in the said county of Peoria, in the month of September, 1840."

"SEC. — The said justices or a majority of them, shall file with said treasurer, a certificate setting forth the amount to which each individual is entitled for services rendered in said case, and said treasurer is hereby required to pay out said money on application of the individuals, certified to be entitled to the same."

Mr. Murphy of Cook, demanded the previous question;

Mr. Brown of Sangamon, moved to lay the motion for the previous question on the table; which was not agreed to.

And the question being—"Shall the main question be now put?"

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Bissell, Basey, Carpenter, Courtwright, Crain, Darnielle, Dodge, Dougherty, Dunlap, Emmerson, English, Green, Hankins, Hicks, Humphrey, Laughlin, Leary, Lester, Logan, McClernand, McDonald, McGinnis, Marshall, Minshall, Moore, Murphy of Cook, Olds, Oliver, Ormsbee, Parsons, Reynolds, Scott, Shepley, Threlkeld, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—42.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Baldwin, Beall, Bennett, Bradford, Brown of Sang., Brown of Ver., Canady, Cavarly, Cox, Cunningham, Denny, Dollins, Drummond, Edwards, Francis, Froman, Funk, Gillespie, Hardin, Henderson, Hull, Kitchell, Lincoln, McLean, Menard, Munsell, Murphy of Perry, Odam, Parkinson, Peck, Phelps, Phillips, Ross, Thornton, Waters, Webb, West, and Woodson—40.

And the question being put, on agreeing to the amendment proposed by Mr. Phelps; it was agreed to.

And the question being put, on concurring with the committee of the Whole House in their amendments, as amended.

It was decided in the negative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Bentley, Bissell, Busey, Carpenter, Courtright, Dodge, Dollins, Drummond, Dunlap, English, Green, Hankins, Henderson, Hicks, Humphrey, Laughlin, Leary, Lester, Logan, McClernand, McDonald, McGinnis, McLean, Marshall, Minshall, Moore, Murphy of Cook, Odam, Olds, Oliver, Peck, Reynolds, Scott, Shepley, Waters, White, Wood, and Mr. Speaker—39.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Baldwin, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Cavarly, Charles, Cox, Crain, Cunningham, Denny, Dougherty, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Hardin, Hull, Kitchell, Lincoln, Menard, Munsell, Murphy of Perry, Ormsbee, Parkinson, Parsons, Phelps, Phillips, Ross, Thornton, Threlkeld, Troy, Trumbull, Turney, Webb, Wheeler, Wilson, and Woodson—44.

Mr. Woodson moved the reconsideration of the vote, on concurring with the committee of the Whole in their amendments to the bill, as amended by the House; which was agreed to.

When the amendments of the committee of the Whole were concurred in, and the question being put, on ordering the bill to be engrossed,

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Bentley, Bissell, Busey, Carpenter, Cavarly, Courtright, Dodge, Dollins, Dougherty, Drummond, Dunlap, English, Green, Hankins, Henderson, Hicks, Humphrey, Laughlin, Leary, Logan, McClernand, McDonald, McGinnis, McLean, Marshall, Menard, Minshall, Moore, Murphy of Cook, Odam, Olds, Oliver, Peck, Reynolds, Scott, Shepley, Waters, White, Woodson, Wood, and Mr. Speaker—42.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Baldwin, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Crain, Cunningham, Denny, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Hardin, Hull, Lester, Lincoln, Munsell, Murphy of Perry, Ormsbee, Parkinson, Parsons, Phelps, Phillips, Ross, Thornton, Threlkeld, Troy, Trumbull, Turney, Webb, Wheeler, and Wilson,—38.

When the House took a recess of fifteen minutes, to enable the door-keeper to prepare the Hall for the reception of the Senate.

The House again being called to order,

Mr. Webb demanded a call of the House.

The roll being called over, it appeared that Messrs. Barnett, Busey, Dougherty, Kelly, Kitchell, McClurken, McGinnis, Marshall, and West were absent.

When the Senate in conformity with the joint resolution of the two Houses appeared in the Hall of the House of Representatives.

And the two Houses proceeded to the election of a President of the Board of Canal Commissioners, and the joint vote being taken, it stood thus:

For Isaac N. Morris—67.

For William F. Thornton—51.

Those who voted for Isaac N. Morris, are,

Messrs. Allen, Evans, Feaman, Gaston, Gibbs, Hacker, Harris, Herndon, Houston, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Richardson, Slocumb, Snyder, Stadden, Warren, Witt, and Wood, of the Senate; and

Messrs. Able, Baldwin, Bentley, Bissell, Carpenter, Cavarly, Court-right, Crain, Dodge, Dollins, Dougherty, Dunlap, Green, Hankins, Hicks, Humphrey, Laughlin, Leary, Lester, Logan, McClernand, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker, of the House of Representatives—67.

Those who voted for William F. Thornton, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Hamlin, Harrison, Killpatrick, Little, Monroe, Ross, Sargent, and Stapp, of the Senate; and

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Hardin, Henderson, Hull, Lincoln, McLean, Menard, Minshall, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, and Woodson, of the House of Representatives—51.

Isaac N. Morris, having received a majority of all the votes given, was, by the Speaker of the House of Representatives, declared duly elected President of the Board of Canal Commissioners of the Illinois and Michigan canal.

The two Houses then proceeded to vote for an Acting Commissioner of the Board of Canal Commissioners, and the vote being taken, stood thus:

For Jacob Fry—63.

For Gholston Kercheval—51.

Those who voted for Mr. Fry, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Fithian, Hamlin, Harrison, Henry, Killpatrick, Little, Monroe, Nunnally, Ross, Sargent, Stadden, Stapp, Warren, and Witt, of the Senate; and

Messrs. Archer, Bailey, Beall, Bradford, Brown, of Sangamon, Brown, of Vermillion, Canady, Cavarly, Charles, Cox, Cunningham, Darnielle, Denny, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Hardin, Henderson, Hull, Leary, Lincoln, McDonald, McLean, Menard, Minshall, Munsell, Murphy of Perry, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Turney, Waters, Webb, Wheeler, Woodson, and Mr. Speaker, of the House of Representatives—63.

Those who voted for Mr. Kercheval, are,  
Messrs. Evans, Feaman, Gaston, Gibbs, Hacker, Herndon, Houston, James, Johnston, Markley, Moore, Parrish, Pearson, Ralston, Richardson, Slocumb, Snyder, and Wood, of the Senate; and

Messrs. Able, Baldwin, Bentley, Bissell, Carpenter, Courtright, Crain, Dodge, Dollins, Dougherty, Green, Hankins, Humphrey, Lester, Logan, McClernand, McGinnis, Marshall, Moore, Murphy of Cook, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Ross, Scott, Shepley, Trumbull, White, Wilson, and Wood, of the House of Representatives—51.

Jacob Fry, having received a majority of all the votes given, was declared, by the Speaker of the House of Representatives, duly elected Acting Commissioner of the Board of Canal Commissioners of the Illinois and Michigan canal.

The two Houses then proceeded to vote for Treasurer of the Board of Canal Commissioners, and the vote being taken, stood thus:

For ——— Beaumont—54.

For Revel W. English.—48.

Scattering—13.

Those who voted for Mr. Beaumont, are,

Messrs. Baker, Churchill, Cullom, Davidson, Evans, Fithian, Gaston, Henry, Hamlin, Harrison, Herndon, James, Killpatrick, Little, Monroe, Moore, and Sargent, of the Senate; and

Messrs. Archer, Bailey, Beall, Bradford, Brown, of Sangamon, Brown, of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Hardin, Henderson, Hull, Lincoln, McLean, Menard, Minshall, Munsell, Odam, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Webb, and Woodson, of the House of Representatives—54.

Those who voted for Mr. English, are,

Messrs. Allen, Gibbs, Harris, Houston, Markley, Nunnally, Pearson, Ralston, Richardson, Slocumb, Snyder, Stadden, Warren, and Witt, of the Senate; and

Messrs. Able, Baldwin, Bissell, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dunlap, Green, Hicks, Humphrey, Laughlin, Leary, Lester, McClernand, McDonald, McGinnis, Moore, Murphy, of Cook, Murphy, of Perry, Oliver, Peck, Ross, Scott, Shepley, Trumbull, Turney, Waters, Wheeler, Wilson, and Mr. Speaker, of the House of Representatives—48.

Those who voted blank, are,

Messrs. Hacker, Parrish, Ross, Stapp, and Wood, of the Senate; and

Messrs. Bentley, Dougherty, Hankins, Logan, Olds, Parsons, White, and Wood, of the House of Representatives—13.

No person having received a majority of all the votes given, the two Houses again proceeded to vote for Treasurer of the Board of Canal Commissioners, and the vote being taken, stood thus:

For William Stadden—48.

For R. W. English—33.

For Gholston Kercheval—32.

Scattering—5.

Those who voted for Mr. Stadden, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Hamlin, Harrison, Henry, Killpatrick, Little, Monroe, Nunnally, Ross, and Sargent, of the Senate; and

Messrs. Archer, Bailey, Beall, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Cunningham, Darnielle, Denny, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Hardin, Henderson, Hull, Lincoln, McLean, Minshall, Munsell, Odam, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Webb, and Woodson, of the House of Representatives—48.

Those who voted for Mr. Kercheval, are,

Messrs. Evans, Gaston, Gibbs, Hacker, Herndon, James, Johnston, Markley, Moore, Parrish, Snyder, Stapp, Warren, and Wood, of the Senate; and

Messrs. Bentley, Crain, Dodge, Dougherty, Dunlap, Hankins, Humphrey, Logan, McGinnis, Marshall, Menard, Murphy of Cook, Olds, Ormsbee, Parsons, Scott, Shepley, and White, of the House of Representatives—32.

Those who voted for Mr. English, are,

Messrs. Allen, Harris, Houston, Pearson, Richardson, Slocumb, Stadden, and Witt, of the Senate; and

Messrs. Able, Baldwin, Bissell, Busey, Carpenter, Cavarly, Courtright, Dollins, Green, Hicks, Laughlin, Leary, Lester, McClernand, McDonald, Moore, Murphy of Perry, Oliver, Ross, Trumbull, Turney, Waters, Wheeler, Wilson, and Mr. Speaker, of the House of Representatives—33.

Those who voted blank, are,

Mr. Ralston, of the Senate, and

Messrs. Bennett, Charles, Cox, and Wood, of the House of Representatives—5.

No person having received a majority of all the votes given.

Mr. Dodge moved that the further election of officers be postponed until Saturday evening at 2 o'clock; which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Evans, Hacker, Harris, James, Johnston, Moore, Nunnally, Parrish, Ralston, Richardson, Ross, Snyder, and Wood, of the Senate; and

Messrs. Able, Bentley, Bissell, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Green, Hankins, Hicks, Lester, Logan, McClernand, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Olds, Oliver, Parsons, Peck, Scott, Shepley, Trumbull, Wheeler, White, Wilson, Wood, and Mr. Speaker of the House of Representatives—47.

Those voting in the negative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Feaman, Fithian, Hamlin, Harrison, Henry, Herndon, Houston, Killpatrick, Little, Markley, Monroe, Pearson, Sargent, Slocumb, Stapp, Warren, and Witt, of the Senate; and

Messrs. Archer, Bailey, Baldwin, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Dunlap, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Hardin, Henderson, Hull,

Humphrey, Laughlin, Leary, Lincoln, McLean, Menard, Minshall, Munsell, Odam, Parkinson, Phelps, Phillips, Reynolds, Ross, Thornton, Threlkeld, Troy, Turney, Waters, Webb, West, and Woodson, of the House of Representatives—71.

Mr. Snyder moved that the election of treasurer and State's attornies be indefinitely postponed; which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Evans, Gaston, Gibbs, Hacker, Harris, Houston, Hunter, James, Moore, Parrish, Ralston, Richardson, Snyder, Witt, and Wood, of the Senate; and

Messrs. Able, Baldwin, Bentley, Bissell, Busey, Carpenter, Cavarly, Crain, Dodge, Dollins, Green, Hankins, Hicks, Humphrey, Laughlin, Lester, Logan, McClernand, McDonald, McGinnis, Marshall, Moore, Murphy of Cook, Murphy of Perry, Olds, Oliver, Ormsbee, Parsons, Peck, Shepley, Trumbull, Wheeler, White, Wilson, Wood, and Mr. Speaker, of the House of Representatives—51.

Those voting in the negative, are,

Messrs. Allen, Baker, Churchill, Cullom, Davidson, Fithian, Hamlin, Harrison, Henry, Killpatrick, Little, Markley, Monroe, Pearson, Ross, Sargent, Slocumb, Stapp, and Warren, of the Senate; and

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Courtright, Cox, Cunningham, Darnielle, Dougherty, Drummond, Dunlap, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Hardin, Henderson, Hull, Leary, Lincoln, McLean, Menard, Minshall, Munsell, Odam, Parkinson, Phelps, Phillips, Reynolds, Ross, Thornton, Threlkeld, Troy, Turney, Waters, Webb, and Woodson, of the House of Representatives—63.

Mr. McClernand demanded a call of the House, and the roll being called, it appeared that the following members were absent: Messrs. Barnett, Blackman, English, Kelly, Kitchell, and McClurken; when,

On motion of Mr. Lincoln,

Further proceedings under the call were dispensed with.

Whereupon, the two Houses again proceeded to vote for treasurer of the canal board, and the vote being taken, stood thus:

For Gholston Kercheval—43.

For Newton Cloud—33.

For R. W. English—10.

For Mr. Stadden—5.

Scattering—24.

Those voting for Mr. Kercheval, are,

Messrs. Allen, Evans, Gaston, Gibbs, Houston, James, Johnston, Markley, Moore, Nunnally, Pearson, Ralston, Snyder, Stapp, Warren, and Wood, of the Senate; and

Messrs. Baldwin, Bentley, Bissell, Busey, Courtright, Crain, Dodge, Dollins, Dunlap, Humphrey, Logan, McGinnis, Marshall, Menard, Minshall, Moore, Murphy of Cook, Odam, Olds, Parsons, Peck, Phillips, Scott, Shepley, Wheeler, Wood, and Mr. Speaker, of the House of Representatives—43.

Those voting for Mr. Stadden, are,

Messrs. Davidson, and Harrison, of the Senate; and

Messrs. Canady, Drummond, and McLean, of the House of Representatives—5.



Those voting for Mr. English, are,  
Mr. Harris, of the Senate; and  
Messrs. Cavarly, Hicks, Leary, McClernand, McDonald, Oliver, Trumbull, Turney, and Wilson, of the House of Representatives—10.

Those voting for Mr. Cloud, are,  
Messrs. Hacker, Henry, Killpatrick, Parrish, Ross, Sargent, Stadden, and Witt, of the Senate; and

Messrs. Archer, Bailey, Beall, Bradford, Carpenter, Cunningham, Darnielle, Dougherty, Gillespie, Green, Hardin, Henderson, Hull, Laughlin, Munsell, Murphy of Perry, Ormsbee, Parkinson, Phelps, Ross, Troy, Waters, Webb, West, and Woodson, of the House of Representatives—33.

Those who voted blank, are,  
Messrs. Baker, Churchill, Cullom, Fithian, Hamlin, Herndon, Little, Monroe, and Slocumb, of the Senate; and

Messrs. Bennett, Brown of Sangamon, Brown of Vermilion, Charles, Cox, Edwards, Emmerson, Francis, Froman, Funk, Hankins, Lester, Reynolds, Thornton, and Threlkeld, of the House of Representatives—24.

No person having received a majority of all the votes given, the two Houses again proceeded to vote for treasurer of the Board of Canal Commissioners, and the vote being taken, stood thus:

For Newton Cloud—60.

For Gholston Kercheval—36.

For John Calhoun—12.

Scattering—6.

Those voting for Mr. Cloud, are,

Messrs. Churchill, Cullom, Davidson, Fithian, Hacker, Harris, Henry, Killpatrick, Little, Parrish, Ralston, Ross, Sargent, Slocumb, Stadden, and Witt, of the Senate; and

Messrs. Archer, Bailey, Beall, Bradford, Brown of Vermilion, Charles, Cox, Cunningham, Dougherty, Drummond, Dunlap, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Green, Hardin, Henderson, Hicks, Hull, Laughlin, Leary, McLean, Moore, Munsell, Murphy of Perry, Ormsbee, Parkinson, Parsons, Phelps, Phillips, Reynolds, Ross, Thornton, Threlkeld, Troy, Turney, Waters, Webb, West, Wilson, and Woodson, of the House of Representatives—60.

Those voting for Mr. Kercheval, are,

Messrs. Allen, Evans, Gaston, Gibbs, Houston, James, Johnston, Markley, Moore, Nunnally, Pearson, Snyder Warren, and Wood, of the Senate; and

Messrs. Baldwin, Bentley, Bissell, Busey, Courtright, Crain, Dodge, Dollins, Hankins, Humphrey, Logan, McGinnis, Marshall, Menard, Murphy of Cook, Odam, Olds, Oliver, Peck, Scott, Shepley, and Mr. Speaker of the House of Representatives—36.

Those who voted for Mr. Calhoun, are,

Messrs. Baker, Harrison, Herndon, and Monroe of the Senate; and

Messrs. Brown of Sangamon, Carpenter, Cavarly, Darnielle, English, McDonald, Minshall, and Wheeler, of the House of Representatives—12.

Those who voted blank, are,

Mr. Hamlin, of the Senate, and

Messrs. Bennett, Lester, McClernand, Trumbull, and Wood, of the House of Representatives—6.

Newton Cloud having received a majority of all the votes given, was declared by the Speaker of the House of Representatives duly elected treasurer to the Board of Canal Commissioners; when,

On motion of Mr. Snyder, of the Senate.

The election of Circuit Attornies was indefinitely postponed; and the Senate withdrew; when,

The House adjourned.

### FRIDAY, FEBRUARY 19, 1841.

House met pursuant to adjournment.

Mr. Munsell, from the committee on Internal Improvements, to which was referred the Senate bill for "An act supplemental to an act, to incorporate the Des Moines Rapids Railroad Company," reported the same back to the House with amendments; which were read and concurred in, and the bill

*Ordered* to a third reading.

And the rules of the House being dispensed with, the bill was now read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence in the amendments thereto.

Mr. Logan, from the committee on the Judiciary, to which was referred the bill for "An act for the relief of Charles G. Scott, and others named therein," reported the same back to the House, and recommended its passage; when the bill was

*Ordered* to be engrossed.

Mr. Crain, from the committee on Enrolled Bills, reported as correctly enrolled, bills of the following titles, viz:

"A bill for an act to create the county of Kendall;"

"A bill for an act to extend the limits of Bond county;"

"A bill for an act to locate, alter, and relocate certain State roads;"

"A bill for an act to vacate town plats;"

"A bill for an act to provide for draining mill-dams on the Mackinaw creek;" and

"A bill for an act in relation to free negroes and mulattoes."

Also, a certain memorial to Congress, in relation to actual settlers and cultivators of the soil having the right or privilege of entering forty acre tracts adjacent to their residence, at the minimum price, and without limit as to quantity.

Mr. Logan, from the committee on Internal Improvements, to which was referred the bill for "An act in relation to the Great Western Mail Route," reported the same back to the House, and recommended its passage; when,

On motion of Mr. Trumbull,

The bill was referred to a select committee.

*Ordered*, That Messrs. Trumbull, Logan, and Marshall, be said committee.

Mr. Brown of Vermilion, from the committee on Internal Improvements, reported a bill for "An act, authorizing the Fund Commissioner to sell bonds for the redemption of scrip, and for other purposes;" which was read the first time, and

*Ordered* to a second reading.

Mr. Dodge, from the committee on Canals and Canal Lands, to which was referred a certain petition, reported a bill for "An act for the relief of Zepheniah Holcomb;" which was read the first time, and the second time by its title, and

*Ordered to be engrossed.*

Mr. Henderson, from the committee on Canals and Canal Lands, to which was referred the bill for "An act," reported the same back to the House with amendments; which were read, and

Mr. Kitchell demanded a division of the question, so as first to take the vote on concurring with the committee in all their amendments, except the last clause of their amendment to the third section.

And the question being put, on concurring with the first division; it was agreed to.

And the question being put on concurring with the committee in the last clause of their amendment to the third section of the bill,

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Barnett, Beall, Bentley, Bissell, Bradford, Bussey, Cavarly, Courtright, Darnielle, Denny, Dodge, Drummond, English, Green, Hardin, Henderson, Hull, Humphrey, Laughlin, Leary, Lincoln, McClernand, McDonald, McGinnis, Minshall, Murphy of Cook, Murphy of Perry, Odam, Ormsbee, Parsons, Peck, Phelps, Reynolds, Ross, Thornton, Waters, Webb, West, and Mr. Speaker—41.

Those who voted in the negative, are,

Messrs. Able, Baldwin, Blackman, Bennett, Brown of Sangamon, Brown of Vermilion, Canady, Cox, Crain, Cunningham, Dollins, Dougherty, Dunlap, Emmerson, Francis, Froman, Funk, Gillespie, Hankins, Hicks, Kitchell, Lester, Logan, McClurken, McLean, Munsell, Marshall, Olds, Oliver, Parkinson, Phillips, Threlkeld, Troy, Trumbull, Turney, Wheeler, White, Wilson, Woodson, and Wood—40.

On motion of Mr. Bradford,

The following proviso was added to the third section:

"*Provided* said bonds be sold at not less than par value;" and the hour of 10 o'clock having arrived,

Mr. Murphy of Cook moved for adoption the following:

"*Resolved*, That the rule adopted by this House, prohibiting reports from standing committees after the hour of 10 o'clock, be rescinded;" which was not agreed to.

And the House proceeded to the consideration of the orders of the day, and

An engrossed bill for "An act to amend an act, for the relief of insolvent debtors," was read the third time, and

Mr. Gillespie moved to amend by adding the following to the end of the second section; "and that the oath shall conform to this act."

Mr. Trumbull moved to lay the proposed amendment on the table; which was not agreed to; when the amendment was adopted, and the bill passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Engrossed bill for "An act to establish a ferry across the Fox and Illinois rivers, at Ottawa," was read the third time, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Engrossed bill for "An act to authorize John Wilson to keep a ferry across the Mississippi river," was read the third time, and

Mr. Drummond moved to amend the bill as follows:

"Strike out "fifteen years" and insert "ten" in the first section.

Strike out all after "Provided" in the fourth section, and insert "that such rates shall be reasonable;" which amendments were not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Bailey, Baldwin, Beall, Bennett, Bissell, Blackman, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Crain, Denny, Dodge, Dollins, Dougherty, Drummond, Edwards, Emmerson, Francis, Gillespie, Hankins, Hardin, Henderson, Hicks, Hull, Kitchell, Leary, Lincoln, McClelland, McClurken, Marshall, Minshall, Murphy of Cook, Murphy of Perry, Odam, Olds, Ormsbee, Parkinson, Parsons, Peck, Phelps, Phillips, Reynolds, Ross, Shepley, Thornton, Trumbull, Webb, White, Wilson, Woodson, and Mr. Speaker—54.

Those who voted in the negative, are,

Messrs. Archer, Barnett, Bentley, Bradford, Busey, Carpenter, Cavaryl, Courtright, Darnielle, Dunlap, English, Froman, Funk, Green, Humphrey, Laughlin, Lester, McDonald, McGinnis, McLean, Munsell, Oliver, Scott, Threlkeld, Troy, Waters, West, Wheeler, and Wood—29.

Not two-thirds voting for the amendments, they were lost.

Mr. Denny moved the indefinite postponement of the bill; when,

On motion of Mr. McClelland,

The bill and proposed amendments were laid on the table.

Senate bill for "An act to establish Circuit Courts," was read the third time by its title, and

On motion of Mr. Hicks,

Amended by fixing the times of holding courts in the third judicial circuit, and

On motion of Mr. Ross,

Amended by fixing the times of holding courts in the fifth judicial circuit, and

On motion of Mr. Ormsbee,

The part of the bill fixing the time of holding courts in Scott county, was amended as follows:

"In the county of Scott on the second Monday in May, in the year 1841, and the second Monday in March thereafter;" when the bill as amended, was passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence in the amendments thereto.

Senate resolution in relation to "certificates, issued by the State House Commissioners," and requiring the Auditor, Treasurer, and Secretary of State, to allow said certificates without vouchers, was read and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

Senate bill for "An act to amend an act, incorporating the town of Belleville," was read the first time, and the second and third times by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof.

The bill for "An act concerning Cass county," coming up for consideration,

Mr. West moved to amend the bill as follows:

"Insert after 'that' in the first section, 'the legal voters of that part of Morgan county, which lies south of the southern boundary of Cass county, and north of the following line, to wit: commencing on the line which divides township sixteen, from township seventeen, at the point where said township line running east, strikes the county of Sangamon, and running thence west, along said line to the main channel of Indian creek, and thence down said channel of said creek to the Illinois river.'"

"Amend same section by inserting 'April' for 'March.'"

Mr. Hardin moved to amend the amendment offered by Mr. West, by striking out all said amendment, and inserting in its place an amendment proposing to the voters of Morgan county to decide at the next August election, whether or not, the three miles should be attached to Cass.

Mr. Ormsbee moved to lay the amendment proposed by Mr. Hardin, on the table; which was not agreed to; when the amendment proposed by Mr. Hardin, was agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Baldwin, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Emmerson, Francis, Froman, Funk, Gillespie, Green, Hardin, Hull, Kitchell, Laughlin, Leary, Lincoln, McLean, Munsell, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, Troy, Trumbull, Webb, Wilson, Woodson, and Mr. Speaker—42.

Those who voted in the negative, are,

Messrs. Barnett, Bentley, Bissell, Blackman, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Edwards, English, Hankins, Humphrey, Lester, McClernand, McDonald, Marshall, Minshall, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Scott, Shepley, Turney, West, Wheeler, and White—32.

Mr. Dodge demanded a call of the House; and the roll being called over, it appeared that the following members were absent:

Messrs. Henderson, Hicks, Logan, McClurken, McGinnis, Menard, Murphy of Cook, Waters and Wood.

Mr. Carpenter moved to refer the bill and amendments to a select committee; when,

On motion of Mr. Brown, of Vermilion,

The bill and proposed amendments were laid on the table, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Baldwin, Beall, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Drummond, Emmerson, Francis, Froman, Funk, Gillespie, Green, Hardin, Hull, Laughlin, Leary, Lincoln, McLean, Oliver, Parkinson, Phelps, Phillips, Thornton, Threlkeld, Troy, Trumbull, Waters, Webb, Wilson, and Mr. Speaker—38.

Those who voted in the negative, are,

Messrs. Barnett, Bennett, Bentley, Bissell, Blackman, Busey, Carpenter, Cavarly, Courtright, Crain, Dougherty, Edwards, English, Hankins, Hicks, Humphrey, Kitchell, Lester, McClermand, McDonald, Marshall, Minshall, Munsell, Odam, Olds, Ormsbee, Parsons, Peck, Reynolds, Scott, Shepley, Turney, West, Wheeler, White, and Woodson—36.

Mr. Crain, from the committee on Enrolled Bills, reported that he on this day had laid before the Council of Revision for their approval, bills of the following titles, namely:

"A bill for an act in relation to free negroes and mulattoes;"

"A bill for an act to provide for draining mill-dams on the Mackinaw creek;"

"A bill for an act to vacate town plats;"

"A bill for an act to locate, alter, and relocate certain State roads;"

"A bill for an act to extend the limits of Bond county;" and

"A bill for an act to create the county of Kendall."

A message from the Senate, by Mr. Moore, a Senator:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have passed Bills of the following titles, to wit:

"A bill for an act for the relief of Calvin Gold;"

"A bill for an act to authorize John L. Hunsaker to keep a ferry across the Mississippi river;"

"A bill for an act concerning the Great Western Mail Route;"

"A bill for an act for the relief of Justice Post;"

"A bill for an act concerning the records of Madison county;"

"A bill for an act authorizing school commissioners to convey land in certain cases;"

"A bill for an act for the benefit of the inhabitants of town nineteen south range eight, east, in Gallatin county;"

"A bill for an act, further to amend an act to provide for a settlement of accounts between the State Bank, and the Bank of Illinois;"

"A bill for an act to authorize James P. Morris to remove obstructions in Cahokia creek;"

"A bill for an act to remove obstructions to the navigation of the Little Wabash river, and for other purposes;"

"A bill for an act to amend an act, entitled 'An act to create the county of Bureau;'"

"A bill for an act to incorporate the Le Roy Manual Labor University;"

"A bill for an act to authorize Joseph Chaffin, and Christian Casebur, to build a mill-dam across the Kaskaskia river;"

"A bill for an act, authorizing the canal commissioners to sell land in certain cases;"

"A bill for an act to incorporate the Fancy Farm College;" and

"A bill for an act for the relief of the sheriff of Green county."

In the passage of which bills, they ask the concurrence of the House of Representatives.

A message from the Council of Revision, by Mr. Purinton:

*Mr. Speaker:* I am directed by the Council of Revision to inform the House of Representatives, that they have this day, approved bills of the following titles, to wit:

"An act in relation to free negroes and mulattoes;"

"An act to provide for draining mill-dams on the Mackinaw creek;"

"An act to locate, alter, and relocate certain State roads;"

"An act to vacate town plats;"

"An act to create the county of Kendall;"

"An act to extend the limits of Bond county."

Also, they have under consideration "An act to sell the school section in township fourteen North, of range eight East, of the fourth principal meridian," and ordered me to return the same as improper to become a law, together with their objections, which are herewith communicated.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives, that they have concurred with them in the passage of the following bills, to wit:

"A bill for an act to establish a ferry across the Illinois river at Peru;"

"A bill for an act to prevent any assessment of damages, in consequence of the location of railroads, when the land has not been actually used for the construction of such railroad;"

"A bill for an act for the benefit of the persons therein named;"

"A bill for an act to authorize Lester Barker, Alanson, House, and their associates to build a mill-dam across Fox river;"

"A bill for an act to provide for the appointment of another commissioner to review certain State roads;" and

"A bill for an act to authorize the erection of a mill-dam across Rector's Fork, of the Saline, in Gallatin county;"

"A bill for an act to establish a ferry across the Illinois river;"

"A bill for an act in relation to incorporated towns and cities;"

"A bill for an act supplemental to an act, defining the duties of Public Printer, and fixing the time and manner of performing the same;" and

"A bill for an act concerning assessors."

In which amendments, they ask the concurrence of the House of Representatives.

Engrossed bills of the following titles were severally read the third time, and passed.

"An act in relation to the penitentiary;"

"An act to incorporate the Henderson county Road and Ferry Company;"

"An act to amend an act, creating the Exeter Manufacturing Company;"

"An act to authorize the county commissioners of Tazewell county to lease certain offices;"

"An act to release from taxation, religious places of worship;"

"An act relating to recording or registering conveyances, or other instruments in writing, executed out of this State, and within the United States;"

"An act to enable purchasers of real estate to ascertain whether the same is free from incumbrances, and to prevent secret liens of attachments and executions;"

"An act to repeal an act therein mentioned;"

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Engrossed bill for "An act for the relief of purchasers of land in the 16th sections, townships 6 and 8 North, of ranges 5 and 6 East of the third principal meridian, in the county of Effingham;" was read the third time by its title, and passed; and

On motion of Mr. Green,

The title was amended by adding the words "and Clay."

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Engrossed bill for "An act to authorize the State to lease the mills at New Haven and Carmi, on the Little Wabash river," was read the third time, and

On motion of Mr. Green,

Laid on the table.

Senate bills for "An act to amend an act simplifying proceedings at law for the collection of debts," approved February 25, 1833; and

"An act to incorporate the Nauvoo House Association;" were severally read the third time, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

The bill for "An act concerning bonds and costs," was read the second time, and

On motion of Mr. Webb,

The second section of the bill was stricken out; when the bill was

*Ordered* to be engrossed.

Mr. Webb moved that the House reconsider the vote, on ordering the bill for "An act to extend the boundaries of Menard county, and for other purposes," to a third reading,

Which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Beall, Bennett, Bentley, Bissell, Brown of Vermilion, Busey, Cavarly, Crain, Dollins, Drummond, Edwards, English, Gillespie, Green, Humphrey, McDonald, McLean, Minshall, Munsell, Oliver, Ormsbee, Peck, Reynolds, Ross, Shepley, Thornton, Turney, Waters, Webb, West, Wheeler, Wilson, Woodson, and Mr. Speaker—35.

Those who voted in the negative, are,

Messrs. Bailey, Baldwin, Barnett, Blackman, Bradford, Brown of Sangamon, Canady, Carpenter, Charles, Courtright, Cox, Cunningham, Darnielle, Denny, Dodge, Dougherty, Dunlap, Emmerson, Francis, Froman, Funk, Hull, Kitchell, Laughlin, Lester, Logan, McClurken, McGinnis, Marshall, Murphy of Cook, Odum, Farkinson, Parsons, Phelps, Phillips, Scott, Threlkeld, Troy, Trumbull, White, and Wood—41.

Engrossed bill for "An act for the relief of William Dormady," was read the third time.

And on the question—"Shall the bill pass?"

It was decided in the negative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Barnett, Bissell, Busey, Carpenter, Cavarly, Dodge, Dollins, English, Humphrey, Kitchell, Laughlin, Lester, McClernand,



McDonald, McGinnis, Marshall, Murphy of Cook, Odam, Oliver, Parsons, Peck, Shepley, Turney, West, Wheeler, White, Wilson, Wood, and Mr. Speaker—30.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bentley, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Courtright, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Dunlap, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Green, Hardin, Henderson, Hull, Lincoln, McClurken, McLean, Minshall, Munsell, Ormsbee, Parkinson, Phelps, Phillips, Reynolds, Ross, Thornton, Threlkeld, Troy, Trumbull, Webb, and Woodson—45.

When on motion,

The House adjourned until 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Senate bill for "An act to provide means for paying interest on canal loans, and amending the several laws in relation to the sale of canal lands and lots," was

*Ordered* to a third reading.

On motion of Mr. Brown of Vermilion,

The committee of the Whole were discharged from the further consideration of the bill for "An act to provide for letting the works of internal improvement to persons and companies, and for other purposes."

Mr. Murphy of Cook, from the committee on Banks and other Corporations, to which was referred the Senate bill for "An act to incorporate the Griggsville Hotel Company," reported the same back to the House, without amendment; when the bill was

*Ordered* to a third reading.

And the rule of the House being dispensed with, said bill was now read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof.

Mr. Crain, from the committee on Engrossed Bills, reported as correctly engrossed, bills of the following titles:

A bill for "An act to apportion the representation of the several counties in this State;"

A bill for "An act supplemental to an act providing for the payment of grand and petit jurors;"

A bill for "An act in relation to the Great Western Mail Route in Lawrence county;"

A bill for "An act concerning minors, orphans, and guardians;"

A bill for "An act in relation to the present State House Commissioners;"

A bill for "An act to extend the corporate powers of the corporation of Beardstown;"

A bill for "An act to locate a State road in Fulton county;" and

A bill for "An act to regulate the county commissioners' courts in Champaign and Iroquois counties."

Mr. Murphy of Cook, from the committee on Banks and other Corporations, to which was referred the bill for "An act to incorporate the Springfield, Jacksonville, and Meredosia Railroad Company," reported the same back to the House, with amendments; which were read and concurred in, when the House took up the orders of the day,

And the bill for "An act to license merchants, auctioneers, money brokers, and others," coming up for consideration,

On motion of Mr. Leary,

The sixth section of the bill was amended by striking out the words "shall vend any lottery ticket" and insert the words "as a manager of any lottery."

Mr. Charles moved to amend the second section of the bill, in the 3d line, by striking out "twenty-five dollars" and inserting "ten dollars;" which was not agreed to.

Mr. Hardin moved to re-consider the vote on the amendment proposed by Mr. Leary, which was agreed to, and the amendment was rejected.

Mr. Charles moved to amend the third line of the second section by striking out the words "twenty-five;" which was not agreed to.

When the question being put, on ordering the bill to be engrossed,

It was decided in the negative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Bailey, Bentley, Bissell, Busey, Carpenter, Courtright, Crain, Dollins, Dougherty, Dunlap, English, Green, Hankins, Humphrey, Laughlin, Logan, McClernand, McDonald, McLean, Marshall, Murphy of Cook, Olds, Ormsbee, Parsons, Peck, Ross, Scott, Turney, Wheeler, and Mr. Speaker—32.

Those who voted in the negative, are,

Messrs. Baldwin, Barnett, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Dodge, Drummond, Edwards, Emmerson, Francis, Froman, Gillespie, Hardin, Henderson, Hull, Leary, Lester, Lincoln, McClurken, McGinnis, Minshall, Munsell, Odam, Oliver, Parkinson, Phelps, Phillips, Reynolds, Shepley, Thornton, Threlkeld, Troy, Trumbull, Waters, West, Wilson, Woodson, and Wood—46.

The bill for "An act in relation to the recording of deeds and for other purposes," coming up for consideration,

Mr. Hardin moved to amend the bill as follows:

Amend the first section of the bill by striking out all after the word "cents" in the 4th line, to the word "which," in the 5th line.

Amend the 9th section, by adding as follows:

"*Provided, however,* That this section shall not extend to female practitioners of the healing art."

Mr. Turney moved to lay the amendment proposed by Mr. Hardin on the table;

Which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Barnett, Bentley, Bissell, Carpenter, Courtright, Crain, Dodge, Dollins, Dougherty, Dunlap, English, Gillespie, Green, Hankins, Humphrey, Laughlin, Leary, Lincoln, Logan, McClernand, McDonald, McGinnis, McLean, Munsell, Murphy of Cook, Oliver, Ormsbee, Parsons,

Peck, Phelps, Ross, Scott, Trumbull, Turney, Wheeler, and Mr. Speaker—37.

Those who voted in the negative, are,

Messrs. Bailey, Baldwin, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Drummond, Edwards, Emmerson, Francis, Froman, Hardin, Henderson, Hull, Kitchell, Lester, McClurken, Marshall, Minshall, Odam, Olds, Parkinson, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, Wilson, Woodson, and Wood—41.

When the amendment was rejected.

Mr. Charles moved to strike out the first and second sections after the enacting clause;

Which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Bennett, Brown of Vermilion, Canady, Charles, Cox, Cunningham, Darnielle, Denny, Edwards, Emmerson, Francis, Froman, Hardin, Henderson, Hull, Kitchell, Leary, Lester, Minshall, Munsell, Phelps, Phillips, Reynolds, Ross, Thornton, Threlkeld, Troy, Webb, and West—32.

Those who voted in the negative, are,

Messrs. Able, Baldwin, Bentley, Bissell, Bradford, Brown of Sangamon, Busey, Carpenter, Courtright, Crain, Dodge, Dollins, Dougherty, Dunlap, English, Gillespie, Green, Hankins, Humphrey, Laughlin, Lincoln, McClernand, McClurken, McDonald, McGinnis, McLean, Marshall, Murphy of Cook, Odam, Olds, Oliver, Ormsbee, Parkinson, Parsons, Peck, Trumbull, Turney, Wheeler, White, Wilson, Woodson, Wood, and Mr. Speaker—43.

Mr. Peck moved to add the following, as an additional section to the bill:

"SEC. 12. That in addition to the tax already authorized by law to be raised for the purpose of supporting the government, and defraying the necessary expenses attendant upon the enactment, administration, and execution of the laws of the State, it is hereby declared that a further sum of twenty cents upon every hundred dollars' worth of taxable property, shall be levied and collected, as is already provided by law;"

Which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Beall, Bennett, Bradford, Brown of Vermilion, Darnielle, Dodge, Dougherty, Drummond, Dunlap, Edwards, Emmerson, Francis, Gillespie, Hankins, Hardin, Henderson, Hull, Humphrey, Laughlin, Leary, Logan, McGinnis, Murphy of Cook, Odam, Peck, Phelps, Reynolds, Thornton, Troy, Trumbull, Webb, West, and White—33.

Those who voted in the negative, are,

Messrs. Able, Archer, Bailey, Baldwin, Bentley, Bissell, Brown of Sangamon, Busey, Canady, Carpenter, Charles, Courtright, Cox, Crain, Cunningham, Denny, Dollins, English, Froman, Green, Kitchell, Lester, Lincoln, McClernand, McClurken, McDonald, McLean, Marshall, Minshall, Munsell, Olds, Oliver, Ormsbee, Parkinson, Parsons, Phillips, Ross, Scott, Shepley, Threlkeld, Turney, Wheeler, Wilson, Woodson, and Mr. Speaker.—45.

Mr. Gillespie moved to amend the bill, as follows:

Amend the first section as follows: "If said deed or writing contains but six tracts, or less, then the sum of fifty cents each shall be paid; but if it exceeds that number, then the sum of twelve and a half cents shall be paid for every tract exceeding that number;" which,

On motion of Mr. Dollins,

Was laid on the table.

Mr. Dodge moved to amend the bill, as follows:

Amend the 8th section in the 4th line, by striking out "five dollars" and insert "twenty-five dollars."

Add, also, the following proviso:

*"Provided, also, That this act shall not be so construed as to allow any person to practice as an attorney and counsellor at law, in any court of record within this State, without having first obtained a license, as is provided for in an act, entitled "An act concerning attornies and counsellors at law," approved March 1st, 1833."*

Amend the 9th section in the 4th line by striking out "five dollars" and inserting "twenty-five dollars."

Mr. Gillespie demanded a division of the question so as to take the vote on each proposition separately.

Mr. Murphy of Cook moved to amend the 9th section as follows:

*"Provided, They be permitted to pay in promissory notes, or other evidences of debt obtained from their patients;"* which,

On motion of Mr. Courtright,

Was laid on the table.

Mr. McClernand moved to amend the amendment proposed by Mr. Dodge to the 9th section, as follows:

*"And provided, also, That any attorney or counsellor at law, or any physician who has not been engaged in the practice of his profession for a longer term than one year, shall not be required to pay a greater sum than ten dollars for a license to practice; and the fact in relation to the time of practice shall be established by the affidavit of the person applying for such license;"* which was agreed to.

Mr. Ormsbee demanded a division of the question, so as first to take the vote on agreeing to the amendment proposed to the 8th section.

Mr. Murphy of Cook moved to lay all the amendments on the table;

Which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bailey, Baldwin, Barnett, Bennett, Bissell, Canady, Cunningham, Denny, Drummond, Froman, Hull, Kitchell, Leary, Lester, Munsell, Murphy of Cook, Olds, Peck, Shepley, Trumbull, Wilson, Woodson, and Wood—23.

Those who voted in the negative, are,

Messrs. Able, Archer, Beall, Bentley, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Carpenter, Charles, Courtright, Cox, Crain, Darnielle, Dodge, Dollins, Dougherty, Dunlap, Edwards, Emnierson, English, Francis, Gillespie, Green, Hankins, Hardin, Henderson, Humphrey, Laughlin, Logan, McClernand, McClurken, McDonald, McGinnis, McLean, Marshall, Minshall, Odam, Oliver, Ormsbee, Parkinson, Parsons, Phelps, Phillips, Reynolds, Ross, Scott, Thornton, Troy, Turney, Waters, Webb, West, Wheeler, White, and Mr. Speaker—56.

When,

On motion of Mr. Hardin,

The House now resolved itself into a committee of the Whole, on the bill under consideration,

Mr. Hardin in the Chair;

And after some time spent therein, the committee rose, and reported sundry amendments to the bill; which were read, and

Mr. Logan demanded a division of the question, on concurring with the committee of the Whole in their amendments; so as first to take the vote on so much of the report as taxes lawyers ten dollars for other counties than the one in which they take out license.

When the question being put, the House refused to concur by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bennett, Bentley, Courtright, Crain, Cunningham, Denny, Edwards, English, Francis, Green, Hankins, Humphrey, Leary, McClermand, McDonald, McGinnis, Marshall, Munsell, Murphy of Cook, Olds, Oliver, Parsons, Phelps, Ross, Threlkeld, Wheeler, White, and Mr. Speaker—23.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Baldwin, Barnett, Bissell, Bradford, Brown of Vermilion, Busey, Carpenter, Charles, Darnielle, Dodge, Dollins, Drummond, Dunlap, Emmerson, Froman, Hardin, Henderson, Hull, Kitchell, Laughlin, Lester, Lincoln, Logan, McClurken, Minshall, Odam, Ormsbee, Peck, Phillips, Reynolds, Shepley, Thornton, Trumbull, Waters, Webb, West, Wilson, Woodson, and Wood—41.

Mr. Carpenter moved to amend the report by striking out "five" in the fourth line, and eighth section, and inserting "fifteen;" which was not agreed to.

Mr. Henderson moved the indefinite postponement of the bill and its amendments.

Mr. White moved the previous question: which was sustained.

Mr. Parsons moved a division of the question, on concurring in the report of the committee of the Whole.

The question then being on the amendment made by the committee of the Whole House to the eighth section, it was agreed to.

The question then being on the amendments of the committee of the Whole House to the fourth line of the ninth section, it was agreed to.

And the additional proviso of the committee to the eighth section, was agreed to.

And on concurring with the committee in their amendments to ——— section,

It was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Baldwin, Barnett, Bennett, Bissell, Bradford, Brown of Vermilion, Courtright, Dodge, Drummond, Dunlap, Edwards, Emmerson, Francis, Gillespie, Hankins, Hardin, Hull, Humphrey, Kitchell, Laughlin, Leary, Logan, McClurken, Munsell, Odam, Peck, Phelps, Phillips, Reynolds, Thornton, Troy, Trumbull, Webb, West, White, Wilson, Wood, and Mr. Speaker—40.

Those who voted in the negative, are,

Messrs. Bentley, Busey, Canady, Carpenter, Charles, Cox, Crain, Cunningham, Darnielle, Denny, Dollins, English, Froman, Green, Lester, Lincoln, McClernand, McDonald, McLean, Marshall, Minshall, Olds, Oliver, Ormsbee, Parkinson, Parsons, Ross, Scott, Shepley, Threlkeld, Turney, Waters, Wheeler, and Woodson—34.

When the House refused to order the bill, as amended, to be engrossed by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bentley, Bissell, Courtright, Dodge, Dunlap, Edwards, English, Francis, Gillespie, Hardin, Humphrey, Laughlin, Leary, Lincoln, Logan, McClurken, McDonald, Odam, Peck, Reynolds, Ross, Scott, Troy, Trumbull, Turney, Webb, White, Wood, and Mr. Speaker—30.

Those who voted in the negative, are,

Messrs. Bailey, Baldwin, Barnett, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Carpenter, Charles, Cox, Crain, Cunningham, Darnielle, Denny, Dollins, Drummond, Emmerson, Froman, Green, Hankins, Hull, Kitchell, Lester, McClernand, McLean, Marshall, Minshall, Munsell, Olds, Oliver, Ormsbee, Parkinson, Parsons, Phelps, Phillips, Shepley, Thornton, Threlkeld, Waters, West, Wheeler, Wilson, and Woodson—45.

And on motion,

The House adjourned.

## SATURDAY, FEBRUARY 20, 1841.

House met pursuant to adjournment.

Mr. Bennett, from the committee on Public Buildings and Grounds, reported a bill for "An act to change the line of Menard county;" which was read the first time, and

*Ordered* to a second reading.

Mr. Henderson, from the committee on Canals and Canal Lands, to which was referred the bill for "An act to prevent the further sale of State Bonds, except for specific purposes therein set forth," reported the same back to the House with amendments, and

Mr. Kitchell demanded a call of the House; and the roll being called over, it appeared that the following members were absent:

Messrs. Baldwin, Bissell, Dodge, Drummond, Edwards, Funk, Gillespie, Hankins, Hardin, Hicks, Humphrey, McLean, Marshall, Menard, Murphy of Perry, Oliver, Shepley, Trumbull, and Webb.

And pending the call of the House,

Mr. Bennett, from the committee on Public Buildings and Grounds, reported a bill for "An act to authorize Isaac D. Patterson to build a bridge across Salt creek, in the counties of Menard and Mason;" which was read the first and second time by its title, and

*Ordered* to be engrossed.

The bill for "An act to incorporate the Springfield, Jacksonville, and Mercedosia Railroad Company," reported yesterday, with amendments

thereto, coming up for consideration; the amendments of the committee were concurred in, and the bill

*Ordered* to be engrossed.

Mr. Archer, from the committee on State Roads, to which was referred sundry petitions, reported a bill for "An act to locate and change certain State Roads;" which was read the first and second times by its title, and

*Ordered* to be engrossed.

Mr. Archer, also, from the same committee to which was referred the bill for "An act to establish a ferry therein named," reported the same back to the House, and recommended its passage; when the bill was

*Ordered* to a third reading.

And the rules of the House being dispensed with, the bill was read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Archer, also, from the same committee to which was referred the bill for "An act to establish the Kishwaukee Ferry Company," reported the same back to the House without amendment; when the bill was

*Ordered* to a third reading.

And the rules of the House being dispensed with, the bill was now read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Crain, from the committee on Enrolled Bills, reported as correctly enrolled, bills of the following titles, viz:

"A bill for an act concerning public roads;"

"A bill for an act to incorporate the Peoria Marine and Fire Insurance Company;"

"A bill for an act in relation to paupers;"

"A bill for an act to authorize the trustees of Shawneetown to construct a Macadamized road;"

"A bill for an act to incorporate the Salem Steam Mill Company;"

"A bill for an act creating an additional justice of the peace and constable in Cherry Grove precinct, in Knox county;"

"A bill for an act for the collection of the taxes of Henderson county;" and

"A bill for an act for the relief of J. D. Morrison."

On motion of Mr. Trumbull,

The Senate bill for "An act concerning the Great Western Mail Route," was considered and read the first and second times by its title, and referred to the same select committee to which was referred a bill on the same subject, some days since.

Also, engrossed bill for "An act in relation to the Great Western Mail Route in Lawrence county," was taken up for consideration.

On motion of Mr. Trumbull,

Was referred to the same select committee.

Mr. Murphy of Cook, from the committee on Banks and Corporations, to which was referred the Senate bill for "An act to incorporate the Springfield Marine and Fire Insurance Company," reported the same back to the House with an amendment; which was read and concurred in, and the bill

*Ordered* to a third reading.

And the rules of the House being dispensed with, the bill was now read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence in the amendments thereto.

Mr. Bissell, from the committee on Banks and Corporations, to which was referred a Senate bill for "An act to incorporate the town of Petersburg;" and

"An act to incorporate the Farmer's Exporting Company," reported the same back to the House; when the bills were severally

*Ordered* to a third reading.

And the rules of the House being dispensed with; the bills were now read the third time by their titles, and passed.

*Ordered*, That the titles be as aforesaid, and that the Clerk inform the Senate thereof.

Mr. Bissell, also, from the same committee to which was referred the bill for "An act to incorporate the Coltonville Steam and Hydraulic Company," reported the same back to the House without amendment; when the bill was

*Ordered* to be engrossed.

Mr. Bissell, also, from the same committee to which was referred the bill for "An act to incorporate the Louisville Exporting, Importing, and Manufacturing Company," reported the same back to the House without amendment; when the bill was

*Ordered* to a third reading.

And the rules of the House being dispensed with, the bill was read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

The doorkeeper having reported under the call,

The House resumed the consideration of the bill for "An act to prevent the further sale of State Bonds, except for specific purposes therein set forth."

And the question being put on concurring with the committee in their report,

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Baldwin, Barnett, Beall, Bissell, Bradford, Busey, Carpenter, Cavarly, Courtright, Darnielle, Dodge, Drummond, Edwards, English, Hardin, Henderson, Hull, Humphrey, Laughlin, Leary, Lincoln, McClernand, McDonald, McGinnis, Minshall, Murphy of Cook, Odam, Ormsbee, Parsons, Peck, Phelps, Reynolds, Ross, Shepley, Thornton, Turney, Webb, West, Wheeler, and Mr. Speaker—42.

Those who voted in the negative, are,

Messrs. Able, Bennett, Bentley, Brown of Sangamon, Brown of Ver., Canady, Charles, Cox, Crain, Cunningham, Denny, Dollins, Dougherty, Dunlap, Emmerson, Francis, Froman, Gillespie, Hankins, Hicks, Kelly, Kitchell, Lester, Logan, McClurken, McLean, Marshall, Munsell, Murphy of Perry, Olds, Oliver, Parkinson, Phillips, Scott, Threlkeld, Troy, Trumbull, White, Wilson, Woodson, and Wood—41.

Mr. McClernand moved to amend the bill as follows:



"**SEC. —** The Fund Commissioner shall be, and he is hereby authorized to exchange State Bonds at par value for scrip issued by the late Board of Public Works, in conformity with law.

"*Provided always*, That any person presenting any such scrip to be redeemed for bonds, shall at the time make oath that he is the holder of such scrip in his own right, and that he received the same for work and labor performed, and materials furnished for the State, or that he received the same for a valuable consideration in this State, and that he has not directly or indirectly acquired the same from any person or institution indebted to this State, for bonds heretofore sold;" when,

On motion of Mr. Parsons,

The following rule was adopted:

"*Resolved*, That the rule adopted by this House, prohibiting reports from standing and select committees after the hour of 10 o'clock, be rescinded;" and the House proceeded to the consideration of the orders of the day, it being past 10 o'clock when the above rule was adopted.

Engrossed bills of the following titles, were severally read the third time, and passed.

"An act supplemental to 'An act providing for the payment of grand and petit jurors;'"

"An act to amend an act, entitled 'An act concerning minors, orphans, and guardians;'"

"An act in relation to the present State House Commissioners;"

"An act to extend the corporate powers of the corporation of Beardstown;"

"An act to regulate the county commissioners' courts, in Champaigne and Iroquois counties;"

"An act to locate a State road in Fulton county."

*Ordered*, That the titles be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Engrossed bill for "An act to apportion the representation of the several counties in this State," was read the third time, and

On motion of Mr. Crain,

Amended so as to read as follows:

"The county of Perry one representative; the counties of Clinton and Washington, each, one representative; and the three counties together, one Senator."

When the bill was passed, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Bailey, Barnett, Bentley, Bissell, Bradford, Busey, Carpenter, Courtright, Cox, Crain, Denny, Dodge, Dollins, Dougherty, Dunlap, Emmerson, Green, Hankins, Hicks, Hull, Humphrey, Kelly, Laughlin, Leary, Lester, Lincoln, Logan, McClernand, Marshall, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Phelps, Scott, Shepley, Waters, Wheeler, White, Wilson, and Mr. Speaker—46.

Those who voted in the negative, are,

Messrs. Archer, Beall, Bennett, Brown of Sangamon, Brown of Vermilion, Cavarly, Charles, Cunningham, Drummond, Edwards, English, Francis, Froman, Gillespie, Hardin, Henderson, Kitchell, McClurken, McDonald, McGinnis, McLean, Minshall, Munsell, Parkinson, Phillips, Reynolds, Ross, Thornton, Threlkeld, Troy, Trumbull, Turney, Webb, West, Woodson, and Wood—37.

House bills of the following titles, with the Senate amendments thereto, were considered and severally read, and the Senate amendments concurred in, to wit:

“An act supplemental to an act, defining the duties of the Public Printer, and fixing the time and manner of performing the same;”

“An act to establish a ferry across the Illinois river;”

“An act in relation to incorporated towns and cities in this State.”

*Ordered*, That the Clerk inform the Senate thereof.

House bill for “An act concerning assessors,” was considered, and the Senate amendments thereto were read, and

On motion of Mr. Charles,

The bill was laid on the table.

House bill for “An act to sell school section, in township fourteen north, of range eight east, of the 4th principal meridian,” together with the objections of the Council of Revision, were considered.

On motion of Mr. Henderson,

The objections as follows, were read,

The Council of Revision have had under consideration an act entitled “An act to sell the school section in township 14 north, range 8 east, of the fourth principal meridian, and it appearing to a majority of the Council, that the said act is improper to become a law, the undersigned members of the Council return it to the House of Representatives, in which it originated, together with their objections thereto, which are as follows:”

“The act provides that the sixteenth section therein named, upon the petition of three-fourths of the qualified voters shall be sold, notwithstanding the number of inhabitants may be less than now required by law, and that a person therein named may purchase at valuation in forty or eighty acre lots, so much of the same as may include any part of his improvements.”

The general law on this subject requires a petition of a like proportion of voters that the inhabitants shall amount to fifty at least. That the land shall be valued by the trustees of the township, and that no land shall be sold for less than the valuation; all which provisions except as to the number of inhabitants are adopted by this act.

As the land has been donated to the State for the use of the inhabitants of the township, as well for future as present inhabitants, no mode of disposal ought to be adopted, which would most probably do manifest injustice to those who may hereafter become interested.

The undersigned members of the Council have information, which they deem authentic, that there are very few inhabitants in the township, not amounting perhaps to more than a fourth part of the number required.

Under these circumstances, it appears difficult to presume that trustees therein can be found so divested of interest as to be qualified to make an impartial valuation.

THOS. CARLIN,  
TH. C. BROWNE,  
WM. WILSON,  
THOS. FORD,  
S. H. TREAT,  
THEO. W. SMITH.

Council Chamber, February 19, 1841.

The bill was amended as follows, in order to obviate the objections of the Council of Revision.

"SEC. 2. That the county commissioners' court of said county are hereby authorized and required to appoint three suitable and discreet persons, neither of whom shall reside in said township, who shall value said school section in the room and stead of the trustees of the township as now required by law;" and the bill repassed.

*Ordered*, That the Clerk inform the Senate thereof, and ask their concurrence in the amendment, and repassage of the bill.

House bill for "An act to authorize Samuel M. Bowman to build a mill-dam across Rock river, and for other purposes therein named;" together with the Senate amendments thereto, was considered, and

Mr. Kitchell moved to refer the bill, and Senate amendments thereto, to the committee on Internal Improvements.

Mr. Ross moved to lay the bill and amendments on the table; which was not agreed to.

When the bill was referred to the committee on Internal Improvements.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives, that they have passed a bill for "An act for the relief of John W. Evans."

In the passage of which bill, they ask the concurrence of the House of Representatives.

Senate bill for "An act to remove obstructions to the navigation of the Little Wabash river, and for other purposes," was read the first time, and the second time by its title, and

On motion of Mr. Turney,

Referred to the committee on Internal Improvements.

On motion of Mr. Webb,

The House bill for "An act to authorize the State to lease the mills at New Haven and Carmi, on the Little Wabash river," was taken up for consideration, and referred to the committee on Internal Improvements.

Mr. Edwards, on leave, offered for adoption the following resolution.

*Resolved*, That a committee of seven be appointed to consider and report upon the best means of further providing for the payment of the interest on the State debt, for the disposition of the system of internal improvements, and for the continuance of operations on the canal."

Mr. Ross moved to strike out the words "provide for the internal improvement system; which,

On motion of Mr. Green,

Was laid on the table; when the resolution was adopted.

*Ordered*, That Messrs. Edwards, Peck, Henderson, McClelland, Brown of Vermilion, Bissell, and Lincoln be said committee.

On motion of Mr. Henderson,

Two additional members were added to the committee.

*Ordered*, That Messrs. Munsell and Archer be said additional members.

Senate bill for "An act for the relief of Calvin Gould," was read the first time, and

*Ordered* to a second reading.

House bill for "An act concerning assessors," with Senate amendments, was again taken up for consideration, and

On motion of Mr. Charles,

The Senate amendments were amended, by substituting the following for their amendments to the second and third sections of the bill.

"SEC. 2. In making out the alphabetical and duplicate list of taxable property required to be made by the revenue laws in force, the assessor shall reserve on the right hand side of each page in the book, containing such list, column of sufficient width to set down the amount of State tax, the amount of county tax, and if a road tax be levied, also a column for such tax. The assessor shall add up the several columns of figures in the book or list before delivering the same to the clerk of the county commissioners' courts."

"SEC. 3. Any person or persons owning or claiming lands advertised for sale for non-payment of taxes, may pay the taxes, interest, and costs due thereon before judgment: *Provided*, that such collector shall be required to make a report to the court before judgment is rendered of all land upon which the taxes may have been paid subsequent to making his return to the circuit court, according to the fourth section of "An act, to amend an act concerning the public revenue, approved February 2, 1829;" sheriffs shall be authorized and required to receive taxes, interest, and costs on all lands upon which judgment has been rendered up to the time of sale of such lands."

Mr. Crain, from the committee on Enrolled Bills, reported that he had on this day laid before the Council of Revision for their approval, bills of the following titles, namely:

"A bill for an act for the relief of J. D. Morrison;"

"A bill for an act for the collection of taxes of Henderson county;"

"A bill for an act creating an additional justice of the peace and constable in Cherry Grove precinct, in Knox county;"

"A bill for an act to incorporate the Salem Steam Mill Company;"

"A bill for an act to authorize the trustees of Shawneetown to construct a Macadamized road;"

"A bill for an act in relation to paupers;"

"A bill for an act to incorporate the Peoria Marine and Fire Insurance Company;" and

"A bill for an act concerning public roads."

Senate bill for "An act to authorize John L. Hunsacker to keep a ferry across the Mississippi river," was read the first time, and

*Ordered* to a second reading.

The Speaker, on leave, introduced a bill for "An act to improve the navigation of the Okaw river;" which was read the first and second times by its title, and

On motion of Mr. Murphy of Cook,

Referred to the committee on Banks and Corporations; when,

On motion,

The House adjourned, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bailey, Barnett, Beall, Bennett, Bissell, Brown of Vermilion, Busey, Courtright, Crain, Darnielle, Denny, Dodge, Dollins, Drummond, Edwards, English, Francis, Froman, Gillespie, Green, Hankins, Hardin,

Henderson, Hull, Humphrey, Laughlin, Lester, Lincoln, Logan, McClermand, McDonald, McGinnis, Marshall, Minshall, Munsell, Murphy of Cook, Murphy of Perry, Oliver, Parsons, Peck, Phelps, Phillips, Ross, Scott, Shepley, Thornton, Trumbull, Waters, Webb, West, Wheeler, Woodson, Wood, and Mr. Speaker—54.

Those who voted in the negative, are,

Messrs. Archer, Baldwin, Bradford, Canady, Cavarly, Cox, Cunningham, Emmerson, Kitchell, Leary, McClurken, Odam, Olds, Ormsbee, Parkinson, Reynolds, Threlkeld, Troy, Turney, White, and Wilson—21.

So the House adjourned.

### MONDAY, FEBRUARY 22, 1841.

House met pursuant to adjournment.

Mr. Hull presented the remonstrance of citizens of Peoria county, against the division of said county; which, without reading, was referred to the committee on Counties.

Mr. Green, from the committee on Banks and Corporations, to which was referred a memorial of the State Bank of Illinois," reported a bill for "An act in relation to the State Bank of Illinois; which was read a first time, when,

Mr. Canady demanded a call of the House; and pending the call,

Mr. Brown of Sangamon, from the select committee to which was referred a bill for "An act for the formation of the county of Allen," reported the same back to the House, and moved the indefinite postponement of the bill; when the bill was informally laid aside, and

Mr. Trumbull, from the select committee to which was referred the bill for "An act in relation to the Great Western Mail Route," reported the same back to the House, and recommended its rejection; when the House refused to order the bill to be engrossed.

Mr. Trumbull, from the same select committee to which was referred the engrossed bill for "An act in relation to the Great Western Mail Route, in Lawrence county," reported the same back to the House, and recommended its rejection; when the House refused to read the bill a third time.

Mr. Trumbull, also, from the same select committee to which was referred the Senate bill for "An act concerning the Great Western Mail Route," reported the same back to the House with amendments as a substitute for the original bill; which was read concurred in, and the bill

*Ordered* to a third reading.

And the rules of the House were dispensed with, and the bill now read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence in the amendments thereto.

Mr. Blackman, from the select committee to which was referred the bill for "An act to require county treasurers to assess taxable property," reported the same back to the House with amendments; which were read and concurred in, and the bill

*Ordered* to be engrossed.

Mr. Dougherty, from the select committee to which was referred the engrossed bill for "An act for the relief of Nathan Low," reported the same back to the House with an amendment; which was read and concurred in, and the bill passed; and

On motion of Mr. Dougherty,

The title was amended by adding the following words, "and others."

*Ordered*, That the title be as amended, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Ross, from the select committee to which was referred the Senate bill for "An act regulating the sale of property," reported the same back to the House with amendments; which were read and concurred in, and

Mr. Kitchell moved to amend the bill as follows:

Strike out all after the enacting clause, and insert the following:

"All personal property that shall hereafter be sold under any execution issued by any court of record, or by any justice of the peace may be redeemed by the debtor at any time within six months after the sale thereof, by paying to the purchaser, or tendering the amount of money paid with interest at the rate of twelve per cent. per annum on the purchase money, and all reasonable charges for keeping, and taking care of the same, which reasonable charges if objected to by the debtor, shall be submitted to the justice of the peace, who issued such execution, or any other justice of the peace, that the debtor may select, and the decision of such justice of the peace shall be final as to the reasonableness of such charge."

"Sec. 2. If the purchaser, or such tender, or after the reception of the money required, the purchaser shall refuse to deliver up to the debtor the property so purchased, the debtor may replevy the same before any court having jurisdiction thereof; or he may have an action of trover for the property so sold, and in either case of the action of replevin or trover, the debtor shall be allowed all damages and expenses for such detention, and all costs of suit, and twelve per cent. thereon; and judgment shall be rendered therefor, and execution issued as in other cases, and any property sold under such execution in favor of such debtor shall not be redeemed."

Mr. Cavarly moved to lay the above amendment on the table.

Which was agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Archer, Bailey, Beall, Bennett, Bentley, Bradford, Brown of Sang., Brown of Ver., Busey, Canady, Carpenter, Cavarly, Charles, Courtright, Darnielle, Dodge, Dollins, Dougherty, Drummond, Dunlap, Emmerson, English, Francis, Froman, Green, Hankins, Hull, Kelly, Laughlin, Leary, Lester, Logan, McClernand, McDonald, McGinnis, McLean, Marshall, Munsell, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Parsons, Peck, Phillips, Reynolds, Ross, Scott, Thornton, Threlkeld, Troy, Turney, Waters, Wheeler, White, and Mr. Speaker—58.

Those who voted in the negative, are,

Messrs. Baldwin, Bissell, Cox, Crain, Cunningham, Henderson, Kitchell, Lincoln, McClurken, Minshall, Ormsbee, Parkinson, Trumbull, Webb, Wilson, Woodson, and Wood—17.

On motion of Mr. Trumbull,

Further proceedings under the call of the House were dispensed with,

and the House resumed the consideration of the bill for "An act in relation to the State Bank of Illinois;" when in connection with this subject,

Mr. Murphy of Cook, from the minority of the committee on Banks and other Corporations, made a report in opposition to the objects of the bill; which having been read,

Mr. Ormsbee moved to lay the report on the table, and print 2500 copies thereof.

Mr. Henderson moved the printing of an equal number of copies of the bank memorial, which was the basis of the report and bill.

And a division of the question being called for, the report was laid on the table; and the question being put on printing,

It was decided in the negative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Bissell, Crain, English, Gillespie, Hankins, Kelly, Kitchell, Laughlin, Leary, Lester, McClernand, McClurken, McDonald, Marshall, Murphy of Cook, Olds, Ormsbee, Parsons, Peck, Trumbull, Wheeler, Wilson, Wood, and Mr. Speaker—25.

Those who voted in the negative, are,

Messrs. Able, Archer, Bailey, Beall, Bennett, Bentley, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Carpenter, Cavarly, Charles, Courtright, Cox, Cunningham, Darnielle, Denny, Dollins, Dougherty, Drummond, Dunlap, Edwards, Emmerson, Francis, Froman, Green, Henderson, Hicks, Hull, Lincoln, Logan, McGinnis, McLean, Minshall, Munsell, Murphy of Perry, Odam, Oliver, Parkinson, Phillips, Reynolds, Scott, Thornton, Threlkeld, Troy, Waters, Webb, White, and Woodson,—51.

Mr. Henderson having withdrawn his motion to print the bank memorial,

Mr. Peck moved the printing of five hundred copies of the report and memorial.

Mr. Carpenter demanded a division of the question,

And the question being put on printing five hundred copies of the report.

It was decided in the negative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Bissell, Cavarly, Crain, Dollins, English, Gillespie, Hankins, Kelly, Kitchell, Laughlin, Leary, Lester, McClernand, McClurken, McDonald, Marshall, Murphy of Cook, Olds, Parsons, Peck, Ross, Trumbull, Wheeler, Wilson, Wood, and Mr. Speaker—27.

Those who voted in the negative, are,

Messrs. Able, Bailey, Beall, Bennett, Bentley, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Carpenter, Charles, Courtright, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Dunlap, Edwards, Emmerson, Francis, Froman, Green, Henderson, Hicks, Hull, Lincoln, Logan, McGinnis, McLean, Minshall, Munsell, Murphy of Perry, Odam, Oliver, Parkinson, Phillips, Reynolds, Scott, Thornton, Threlkeld, Troy, Waters, Webb, White, and Woodson—48.

Mr. Kitchell moved the printing of five hundred copies of the report and memorial; when,

On motion of Mr. Bradford,

The motion to print, was laid on the table.

Mr. Olds demanded a call of the House,  
And the roll being called over, it appeared that the following members were absent:

Messrs. Blackman, Dodge, Funk, Hardin, McClurken, Menard, Ormsbee, Turney, and West; when,

On motion of Mr. Courtright,

Further proceedings under the call of the House were dispensed with, and the question being put, on ordering the bill to be engrossed,

It was decided in the negative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Able, Archer, Beall, Bennett, Bentley, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Carpenter, Charles, Courtright, Cox, Cunningham, Darnielle, Denny, Dunlap, Emmerson, Froman, Green, Henderson, Hull, Laughlin, Logan, McGinnis, McLean, Murphy of Perry, Odam, Farkinson, Phillips, Reynolds, Scott, Shepley, Threlkeld, Troy, Waters, Woodson, and Mr. Speaker—38.

Those who voted in the negative, are,

Messrs. Bailey, Baldwin, Barnett, Bissell, Bradford, Cavarly, Crain, Dollins, Dougherty, Drummond, English, Francis, Hankins, Hicks, Kitchell, Leary, Lester, Lincoln, McClelland, McClurken, McDonald, Marshall, Minshall, Munsell, Murphy of Cook, Olds, Oliver, Ormsbee, Parsons, Peck, Ross, Thornton, Trumbull, Webb, Wheeler, White, Wilson, and Wood—38.

Mr. Crain, from the committee on Engrossed Bills, reported as correctly engrossed, bills of the following titles, viz:

"A bill for an act making appropriations for the years 1841 and 1842;"

"A bill for an act to incorporate the St. Clair Railroad Company;"

"A bill for an act authorizing the Governor to order special elections for Congress, in the event of an extra session, before the first Monday in August;"

"A bill for an act for the relief of Zephaniah Holcomb;"

"A bill for an act for the relief of Charles G. Scott, and others named therein;" and

"A bill for an act to amend an act, entitled 'An act for the organizing and government of the militia of this State, in force July 2, 1833.'"

A message from the Council of Revision, by Mr. Purinton, Clerk of the Council:

*Mr. Speaker:* I am directed by the Council of Revision to inform the House of Representatives, that on Saturday, the 20th inst., they approved bills of the following titles:

"An act to incorporate the Salem Steam Mill Company;"

"An act for the relief of J. D. Morrison;"

"An act in relation to Paupers;"

"An act to authorize the trustees of Shawneetown to construct a Macadamized road;"

"An act for the collection of taxes for Henderson county;"

"An act creating an additional justice of the peace and constable in Cherry Grove Precinct, in Knox county;"

"An act to incorporate the Peoria Marine and Fire Insurance Company;"

"An act concerning public roads."



The bill for "An act for the formation of the county of Allen," was again taken up for consideration.

Mr. Brown of Sangamon, moved the indefinite postponement of the bill.

Which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Cox, Cunningham, Darnielle, Drummond, Edwards, Francis, Gillespie, Hull, Lincoln, Olds, Reynolds, Threlkeld, and Webb—17.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Baldwin, Barnett, Beall, Bennett, Bentley, Bissell, Busey, Carpenter, Cavarly, Courtright, Crain, Denny, Dollins, Dunlap, Emmerson, English, Froman, Green, Henderson, Hicks, Kitchell, Lester, McClernand, McClurken, McDonald, McLean, Marshall, Menard, Minshall, Munsell, Murphy of Perry, Odam, Oliver, Ormsbee, Parkinson, Peck, Phillips, Ross, Scott, Shepley, Trumbull, Waters, Wheeler, White, Wilson, Wood, and Mr. Speaker—48.

On motion of Mr. Olds,

The tenth section of the bill was amended by inserting the words "in each of said counties" after the words "votes given" in the eighth line from the bottom of said section; when the bill was

*Ordered* to be engrossed, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Baldwin, Bennett, Bentley, Bissell, Busey, Carpenter, Cavarly, Courtright, Crain, Denny, Dunlap, English, Green, Hicks, Kitchell, Laughlin, Lester, Logan, McDonald, McGinnis, McLean, Munsell, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parkinson, Parsons, Peck, Ross, Shepley, Trumbull, Turney, Wheeler, White, and Wilson—39.

Those who voted in the negative, are,

Messrs. Beall, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Cunningham, Darnielle, Drummond, Francis, Gillespie, Henderson, Hull, Lincoln, McClurken, Minshall, Phillips, Reynolds, Threlkeld, Troy, Webb, and Wood—22.

Mr. Crain, from the committee on Enrolled Bills, reported as correctly enrolled, bills of the following titles, viz:

"A bill for an act to establish a ferry across the Illinois river;"

"A bill for an act for the relief of the collector of Pope county;"

"A bill for an act for the benefit of the persons therein named;"

"A bill for an act in relation to incorporated towns and cities in this State;"

"A bill for an act supplemental to an act, defining the duties of the Public Printer, and fixing the time and manner of performing the same;"

"A bill for an act to prevent any assessment of damages in consequence of the location of railroads, where the land has not been actually used for the construction of such railroad;" and

"A bill for an act to authorize the sale of streets in Hillsboro;" when, Mr. Lincoln moved that the House adjourn,

Which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Beall, Bennett, Cavarly, Courtright, Darnielle, Ed-

wards, English, Francis, Gillespie, Green, Henderson, Hicks, Hull, Lincoln, Logan, McClurken, McGinnis, McLean, Minshall, Odam, Oliver, Parkinson, Peck, Phillips, Shepley, Webb, Wood, and Mr. Speaker—29.

Those who voted in the negative, are,

Messrs. Baldwin, Bentley, Bissell, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Carpenter, Charles, Cox, Crain, Cunningham, Dollins, Dunlap, Emmerson, Froman, Kitchell, Lester, McDonald, Marshall, Munsell, Murphy of Perry, Olds, Ormsbee, Parsons, Ross, Thornton, Threlkeld, Troy, Trumbull, Wheeler, and Wilson—33.

And Mr. Archer moved that the House adjourn until 7 o'clock, P. M.

Which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bentley, Bissell, Cavarly, Courtright, Darnielle, English, Green, Henderson, Lincoln, Logan, McClurken, McGinnis, McLean, Minshall, Odam, Oliver, Ormsbee, Parkinson, Peck, Phillips, Webb, Wood, and Mr. Speaker—25.

Those who voted in the negative, are,

Messrs. Bailey, Baldwin, Bradford, Brown of Sangamon, Brown of Ver., Busey, Canady, Carpenter, Charles, Cox, Crain, Cunningham, Dollins, Dunlap, Emmerson, Francis, Froman, Gillespie, Hicks, Hull, Kitchell, Lester, McDonald, Marshall, Munsell, Murphy of Perry, Olds, Parsons, Reynolds, Ross, Thornton, Threlkeld, Troy, Trumbull, Wheeler, and Wilson—36.

When,

On motion of Mr. Bradford,

The House adjourned to 4 o'clock, P. M.

#### FOUR O'CLOCK, P. M.

House met pursuant to adjournment.

On motion of Mr. Cavarly,

The bill for "An act to authorize John Wilson to keep a ferry across the Mississippi river," was taken up for consideration, and

On motion of Mr. Drummond,

The bill was amended in the first section by striking out the word "fifteen" and inserting "ten" and in the sixth line, in the fourth section, after the word "established" insert "annually," and strike out "from time to time" after the word "county" in the 7th line, and strike out after the word "provided" the words "that said rates shall be no greater than the rates of other ferries across said river, in said county," and insert the words "that such rates shall be reasonable;" when the bill as amended, was passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Senate bill for "An act to establish Circuit Courts," with Senate amendments to the House amendments, was taken up for consideration; when the Senate amendments were read and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

Engrossed bill for "An act making appropriations for the years 1841, and 1842, was read the third time.

Mr. Woodson demanded a call of the House,

The roll being called, the following members were absent:

Messrs. Able, Beall, Blackman, Brown of Sangamon, Brown of Vermilion, Charles, Dodge, Dougherty, Froman, Funk, Gillespie, Hankins, Hardin, Henderson, Kelly, Menard, Ormsbee, Phelps, Shepley, Thornton and Webb; pending the call,

Mr. Murphy of Cook, from the committee on Banks and Corporations, to which was referred a bill for "An act to improve the navigation of the Okaw river," reported the same back to the House, and recommended its passage; when the bill was

*Ordered* to be engrossed.

Mr. Brown of Vermilion, from the committee on Internal Improvements, to which was referred a House bill for "An act entitled 'An act, to authorize the construction of a railroad from La Salle, in La Salle county, to Dixon, in Lee county, and for chartering a company with authority to construct said road, to be called the Illinois and Rock river Railroad Company,'" with Senate amendments thereto, reported the same back with amendments to the Senate amendments; which amendments were read, and concurred in by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Bennett, Bentley, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Cavarly, Cox, Darnielle, Denny, Drummond, Edwards, Emmerson, English, Gillespie, Henderson, Hicks, Hull, Kitchell, Laughlin, Leary, Lester, Lincoln, Logan, McClernand, McClurken, McDonald, McGinnis, McLean, Minshall, Munsell, Murphy of Cook, Odam, Olds, Ormsbee, Parsons, Peck, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, Webb, West, White, Wilson Woodson, and Mr. Speaker—51.

Those who voted in the negative, are,

Messrs. Baldwin, Barnett, Buscy, Carpenter, Courtright, Crain, Cunningham, Dollins, Dunlap, Francis, Green, Marshall, Oliver, Parkinson, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, and Wood—21.

*Ordered*, That the Clerk inform the Senate thereof, and ask their concurrence in the amendments thereto.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives, that they have passed bills of the following titles, to wit:

"An act creating a justice and constables district, in White county;"

"An act to authorize the Mount Carmel and Alton railroad company, to construct the Southern Cross Railroad;" and

"An act to amend an act, entitled 'An act to incorporate the town of Galesburg, in Knox county.'"

In the passage of which they ask the concurrence of the House of Representatives.

They have concurred with the House of Representatives in the passage of bills of the following titles, to wit:

"An act to authorize the relocation of the county seat of Clay county;"

"An act authorizing the proprietors of Metropolis city, in the county of Johnson, to alter the platt thereof;"

"An act for the relief of Amos Menott;"

"An act for the formation of the county of Richland."

They have also concurred with the House of Representatives in the passage of bills of the following titles:

"An act to incorporate the town of Marion;"

"An act to incorporate the Union Agricultural Society, and Stock Association," as amended by them.

In which amendments, they ask the concurrence of the House of Representatives.

They have concurred with the House of Representatives in their amendments to a Senate bill for "An act to establish Circuit Courts," as amended by them.

In which amendments, they ask the concurrence of the House of Representatives.

They have also concurred with them in the passage of a bill for "An act to establish the county of Okaw," as amended by them.

In which amendments, they ask the concurrence of the House of Representatives.

Mr. Brown of Vermilion, from the committee on Internal Improvements, to which was referred a bill for "An act to authorize Samuel M. Bowman to build a dam across Rock river, and for other purposes therein named," together with the Senate's amendments thereto, reported the same back with amendments to the seventh section; which were read.

And the doorkeeper having reported under the call,

The consideration of the bill for "An act making appropriations for the years 1841 and 1842," was resumed.

Mr. Murphy of Perry, moved to amend the bill so as to make the compensation per diem, to members of the General Assembly; three instead of four dollars.

Mr. Murphy of Cook, demanded the previous question; which was sustained; when the amendment offered by Mr. Murphy of Perry, was not agreed to, by yeas and nays, as follows:

It requiring the vote of two-thirds of the members present.

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Baldwin, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Cavarly, Cox, Crain, Cunningham, Darnielle, Denny, Drummond, Edwards, English, Francis, Gillespie, Kitchell, Lester, Lincoln, McClurken, Munsell, Murphy of Perry, Parkinson, Parsons, Peck, Phillips, Ross, Thornton, Threlkeld, Troy, Trumbull, Turney, Webb, Wheeler, White, Wilson, and Woodson—40.

Those who voted in the negative, are,

Messrs. Barnett, Bentley, Bissell, Blackman, Busey, Carpenter, Court-right, Dollins, Dougherty, Dunlap, Emmerson, Green, Hankins, Henderson, Hicks, Hull, Laughlin, Leary, Logan, McClernand, McDonald, McGinnis, McLean, Marshall, Minshall, Murphy of Cook, Odam, Olds, Oliver, Ormsbee, Reynolds, Scott, Shepley, Waters, West, Wood, and Mr. Speaker—38.

When the bill was passed, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Barnett, Bentley, Bissell, Blackman, Busey, Carpenter, Court-right, Dollins, Dougherty, Drummond, Dunlap, Emmerson, Francis, Hen

derson, Hicks, Laughlin, Leary, Lester, Lincoln, Logan, McClernand, McGinnis, Marshall, Minshall, Murphy of Cook, Odam, Olds, Oliver, Parsons, Peck, Reynolds, Scott, Shepley, Waters, Webb, West, Wheeler, White, Wilson, and Mr. Speaker—40.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Baldwin, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Cavarly, Cox, Crain, Cunningham, Darnielle, Edwards, English, Gillespie, Green, Hankins, Hull, Kitchell, McClurken, McDonald, McLean, Munsell, Murphy of Perry, Ormsbee, Parkinson, Phillips, Ross, Thornton, Threlkeld, Troy, Trumbull, Turney, Woodson, and Wood—36.

Engrossed bill for "An act for the relief of Charles G. Scott, and others named therein," was read a third time.

And on the question—"Shall the bill pass?"

It was decided in the negative.

Engrossed bill for "An act authorizing the Governor to order special elections for Congress in the event of an extra session before the first Monday in August," was read a third time, and passed, by yeas and nays, as follows, to wit:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Baldwin, Bennett, Bentley, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Carpenter, Cavarly, Cox, Cunningham, Darnielle, Denny, Dollins, Dougherty, Drummond, Edwards, Emmerson, English, Francis, Froman, Gillespie, Green, Henderson, Hicks, Hull, Leary, Lester, Lincoln, Logan, McClernand, McClurken, McDonald, McLean, Minshall, Munsell, Murphy of Perry, Odam, Oliver, Ormsbee, Parkinson, Parsons, Phillips, Reynolds, Scott, Shepley, Thornton, Threlkeld, Troy, Waters, Webb, West, Woodson, Wood, and Mr. Speaker—59.

Those who voted in the negative, are,

Messrs. Barnett, Bissell, Courtright, Dunlap, Hankins, Kitchell, Laughlin, McGinnis, Marshall, Olds, Peck, Ross, Trumbull, Turney, Wheeler, White, and Wilson—17.

Engrossed bill for "An act to amend an act, entitled 'An act for the organizing and government of the militia in this State, in force July 2, 1833,'" was read the third time.

And on the question—"Shall the bill pass?"

It was decided in the negative.

Engrossed bill for "An act to incorporate the St. Clair Railroad Company," was read the third time, and passed.

Engrossed bill for "An act for the relief of Zephaniah Holcomb," was read the third time, and passed."

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

House bill for "An act to change the lines of Menard county," was read the second time by its title.

Mr. Francis moved to refer the bill to a select committee.

Which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bailey, Baldwin, Beall, Bradford, Brown of Sangamon, Cunningham, Darnielle, Denny, Francis, Henderson, Hicks, Hull, Kitchell,

Laughlin, Lincoln, Logan, Marshall, Olds, Parkinson, Parsons, Reynolds, Threlkeld, Troy, Trumbull, Webb, White, and Wood—27.

Those who voted in the negative, are,

Messrs. Archer, Bennett, Bentley, Bissell, Blackman, Brown of Vermilion, Busey, Canady, Cavarly, Courtright, Dollins, Dougherty, Drummond, Dunlap, Edwards, Emerson, English, Froman, Gillespie, Green, Lester, McClelland, McDonald, McGinnis, McLean, Minshall, Munsell, Murphy of Perry, Odam, Oliver, Ormsbee, Peck, Phillips, Ross, Scott, Shepley, Turney, Waters, West, Wheeler, Wilson, Woodson, and Mr. Speaker—43.

When the bill was

*Ordered to be engrossed.*

Mr. Crain, from the committee on Enrolled Bills, reported that he had on this day laid before the Council of Revision, for their approval, bills of the following titles, viz:

"A bill for an act to authorize the sale of streets in Hillsborough;"

"A bill for an act to prevent any assessment of damages in consequence of the location of railroads, where the land has not been actually used for the construction of such railroad;"

"A bill for an act supplemental to an act, defining the duties of the Public Printer, and fixing the time and manner of performing the same;"

"A bill for an act in relation to incorporated towns and cities in this State;"

"A bill for an act for the benefit of the persons therein named;"

"A bill for an act for the relief of the collector of Pope county;" and

"A bill for an act to establish a ferry across the Illinois river."

House bill for "An act to provide for the payment of interest on the State debt," was taken up, and

On motion of Mr. Cavarly,

Was referred to the select committee of nine, appointed under the resolution offered on Saturday last by Mr. Edwards.

House bill for "An act supplemental to the charter of the Springfield and Alton Turnpike Road Company," was read the second time by title, and

*Ordered to be engrossed.*

House bill for "An act providing for letting the works of internal improvements to persons and companies, and for other purposes," was read a second time, and

*Ordered to be engrossed.*

House bill for "An act authorizing the Fund Commissioner to sell Bonds for the redemption of scrip, and for other purposes," was read the second time, and

On motion of Mr. Cavarly,

Referred to the committee of nine, appointed under the resolution offered by Mr. Edwards last Saturday.

Mr. Olds moved a reconsideration of the vote on ordering the bill for "An act supplemental to the charter of the Springfield and Alton Turnpike Road Company;" which was agreed to, and

On motion of Mr. Olds,

The bill was amended as follows:

"SEC. —. That Thomas G. Hawley, Benjamin K. Hart, Jonathan T. Hudson, Jeremiah A. Townsend, John W. Buffum, S. M. Tinsley, S. B.

Opdycke, F. A. Olds, and Cyrus Edwards, shall be commissioners in connection with the present directors of said Springfield and Alton Turnpike Road Company; the duty of whom, or a majority of whom shall be to open books in the cities of Springfield and Alton, or wheresoever they may deem proper, after giving such notice as is required by the original charter of said company to receive subscriptions for a sufficient amount of stock in said company, over and above the present capital stock, as will enable said company without delay, to proceed to complete said road, and the said commissioners are further authorized to receive subscriptions for so much of the original capital stock of said company, as has been previously subscribed for, and on which no part of the subscription money, or any instalments have been bona fide paid."

Mr. Ross moved to amend the bill by adding the following:

"The stockholders in said corporation in their private capacity shall be held responsible for the payment of all debts and liabilities;" which,

On motion of Mr. Olds,

Was laid on the table, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bentley, Bradford, Brown of Sangamon, Canady, Carpenter, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Dunlap, Edwards, Emmerson, Francis, Froman, Gillespie, Green, Henderson, Hull, Lincoln, Logan, McGinnis, McLean, Minshall, Murphy of Perry, Olds, Parkinson, Reynolds, Thornton, Threlkeld, Troy, West, White, Woodson, and Mr. Speaker—40.

Those who voted in the negative, are,

Messrs. Baldwin, Bissell, Busey, Cavarly, Crain, Dollins, English, Hankins, Hicks, Kitchell, Laughlin, Lester, McClelland, McClurken, McDonald, Marshall, Munsell, Odam, Oliver, Parsons, Peck, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, Wilson, and Wood—29.

Mr. Ross moved to amend the bill as follows:

"Sec. —. The Legislature reserves the right to alter, amend, or repeal whenever the public good may require;" which was not agreed to.

Mr. White moved the previous question; which was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Bentley, Bissell, Bradford, Brown of Sangamon, Busey, Carpenter, Courtright, Darnielle, Denny, Dunlap, Edwards, Emmerson, Froman, Gillespie, Green, Leary, Lincoln, Logan, McClelland, McGinnis, Marshall, Minshall, Murphy of Cook, Murphy of Perry, Olds, Parkinson, Peck, Reynolds, Shepley, Thornton, Threlkeld, Troy, Turney, West, Wheeler, White, Woodson, and Mr. Speaker—41.

Those who voted in the negative, are,

Messrs. Baldwin, Bennett, Brown of Vermilion, Canady, Cavarly, Cox, Crain, Cunningham, Dollins, Dougherty, Drummond, English, Francis, Hankins, Henderson, Hicks, Hull, Kitchell, Laughlin, Lester, McClurken, McDonald, Munsell, Odam, Oliver, Ormsbee, Parsons, Phillips, Ross, Scott, Trumbull, Wilson, and Wood—33.

When the House refused to order the bill to be engrossed, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon,

Brown of Vermilion, Carpenter, Darnielle, Denny, Edwards, Emerson, Francis, Gillespie, Henderson, Hull, Kitchell, Leary, Lincoln, Logan, McClermand, McGinnis, Minshall, Olds, Parsons, Peck, Phillips, Reynolds, White, Wood, and Mr. Speaker—31.

Those who voted in the negative, are,

Messrs. Baldwin, Bentley, Bissell, Busey, Canady, Cavarly, Courtright, Cox, Crain, Cunningham, Dollins, Dougherty, Drummond, Dunlap, English, Froman, Green, Hankins, Hicks, Laughlin, Lester, McClurken, McDonald, Munsell, Murphy of Perry, Odam, Oliver, Ormsbee, Parkinson, Ross, Scott, Shepley, Threlkeld, Troy, Trumbull, Turney, West, Wheeler, Wilson, and Woodson—40.

When on motion,

The House adjourned.

## TUESDAY, FEBRUARY 23, 1841.

House met pursuant to adjournment.

The bill for "An act to prevent the further sale of State Bonds except for specific purposes therein set forth," was considered;

And the question being on the amendment proposed by Mr. McClermand,

On motion of Mr. Odam,

The bill and amendment were indefinitely postponed.

Senate bill for "An act regulating the sale of property," was considered;

And Mr. Trumbull moved to amend the bill as follows:

"SEC. —. That the 31st section of the act, entitled "An act to incorporate the subscribers to the Bank of the State of Illinois, be and the same is hereby repealed."

Mr. Dollins demanded the previous question;

And Mr. Webb moved to lay the bill and amendment on the table; which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Baldwin, Bennett, Bissell, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Cox, Darnielle, Denny, Drummond, Emmerson, Francis, Froman, Hull, Kitchell, Leary, Lincoln, McClurken, McGinnis, Munsell, Ormsbee, Parkinson, Phelps, Phillips, Thornton, Trumbull, Webb, Wilson, and Woodson—32.

Those who voted in the negative, are,

Messrs. Barnett, Beall, Bentley, Busey, Carpenter, Cavarly, Courtright, Crain, Cunningham, Dodge, Dollins, Dougherty, Dunlap, English, Gillespie, Green, Hicks, Humphrey, Kelly, Laughlin, Lester, Logan, McClermand, McDonald, McLean, Marshall, Minshall, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Parsons, Peck, Reynolds, Ross, Scott, Shepley, Threlkeld, Troy, Turney, Waters, Wheeler, White, Wood, and Mr. Speaker—46.

When the demand for the previous question was sustained;

And the amendment proposed by Mr. Trumbull was not agreed to, by yeas and nays, as follows:



Those who voted in the affirmative, are,

Messrs. Baldwin, Barnett, Bissell, Brown of Sangamon, Cavarly, Crain, Dodge, Dollins, English, Gillespie, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Lester, Logan, McClernand, McDonald, Marshall, Murphy of Cook, Parsons, Peck, Phelps, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker—31.

Those who voted in the negative, are,

Messrs. Archer, Beall, Bennett, Bentley, Bradford, Brown of Vermilion, Busey, Canady, Carpenter, Courtright, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Dunlap, Emmerson, Francis, Froman, Green, Hull, Leary, Lincoln, McClurken, McGinnis, McLean, Minshall, Munsell, Murphy of Perry, Odam, Olds, Parkinson, Phillips, Reynolds, Ross, Scott, Thornton, Threlkeld, Troy, Waters, Webb, and Woodson—42.

When the bill was

*Ordered* to a third reading, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Barnett, Bentley, Busey, Carpenter, Cavarly, Courtright, Crain, Cunningham, Dodge, Dollins, Dougherty, Dunlap, English, Gillespie, Green, Hankins, Hicks, Humphrey, Kelly, Laughlin, Lester, Logan, McClernand, McDonald, McLean, Marshall, Minshall, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Parsons, Peck, Reynolds, Ross, Scott, Threlkeld, Troy, Turney, Waters, Wheeler, White, Wood, and Mr. Speaker—45.

Those who voted in the negative, are,

Messrs. Baldwin, Beall, Bennett, Bissell, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Cox, Darnielle, Denny, Drummond, Emmerson, Francis, Froman, Hull, Kitchell, Leary, Lincoln, McClurken, McGinnis, Munsell, Parkinson, Phelps, Phillips, Thornton, Trumbull, Webb, West, Wilson, and Woodson—31.

Mr. Crain, from the committee on Enrolled bills, reported as correctly enrolled, bills of the following titles, viz:

A bill for "An act to amend the several acts incorporating the Beardstown and Sangamon Canal Company;"

A bill for "An act to vacate the plat of the town of Iowa, in Perry county;"

A bill for "An act to authorize Lester Barker, Alanson House, and their associates to build a mill-dam across Fox river;"

A bill for "An act to authorize the erection of a mill-dam across Rector's fork of the Saline, in Gallatin county;"

A bill for "An act to provide for the appointment of another commissioner to review certain State roads;" and

A bill for "An act to establish a ferry across the Illinois river at Peru;"

Also, as correctly engrossed, a bill for "An act to improve the navigation of the Okaw river."

House bill for "An act to authorize Samuel M. Bowman to build a dam across Rock river, and for other purposes therein named;" and the question being on concurring with the report of the Internal Improvement committee in their amendments to the Senate amendments;

On motion of Mr. Drummond,

The report of the committee was amended, as follows:

*"And provided, further, That the tolls shall be so graduated as not to en-*

able the stockholders to realize more than fifteen per cent. per annum on the amount expended in improving said river, and the permanent fixtures for the benefit of the navigation thereof."

Amend section 9, in line 3d, of the Senate amendments, between the words "at" and "the" insert the words "at any after."

Amend the same section in the 4th line, by striking out the words "period herein allowed for the completion of the same," and insert the words "the passage of this act."

When the report of the committee on Internal Improvements, as amended, and the Senate amendments, as amended by the House, were concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Brown of Vermilion, from the committee on Internal Improvements, to which was referred the memorial of the Legislature of Iowa Territory, in relation to the improvement of the Rapids of the Mississippi river, reported a memorial to Congress, in conformity to the request of the Iowa Legislature for the improvement of said Rapids in the Mississippi river; which was read and concurred in.

*Ordered*, That the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Ormsbee moved the reconsideration of the vote taken yesterday on ordering the bill for "An act supplemental to the charter of the Springfield and Alton Turnpike Road Company;" which was agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Baldwin, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Carpenter, Cavarly, Courtright, Darnielle, Denny, Dodge, Drummond, Dunlap, Emmerson, English, Francis, Gillespie, Green, Hicks, Hull, Humphrey, Kelly, Kitchell, Laughlin, Leary, Logan, McClernand, McClurken, McDonald, McGinnis, McLean, Marshall, Minshall, Murphy of Cook, Murphy of Perry, Olds, Ormsbee, Peck, Phelps, Phillips, Reynolds, Scott, Thornton, Trumbull, Waters, Webb, West, Wheeler, White, Wilson, and Mr. Speaker—55.

Those who voted in the negative, are,

Messrs. Bentley, Bissell, Cox, Crain, Cunningham, Dollins, Dougherty, Froman, Hankins, Lester, Odam, Oliver, Parkinson, Ross, Threlkeld, Troy, Turney, Woodson, and Wood—19.

When,

On motion of Mr. Ormsbee,

The bill was laid on the table.

Mr. Murphy of Cook, from the committee on Banks and other Corporations, to which was referred the Senate bill for "An act to provide for the payment of certain debts due from the State to the Banks," reported the same back to the House without amendment; when the bill was

*Ordered* to a third reading.

Mr. Peck, from the committee on Finance, to which was referred the bill for "An act to settle the contracts with Wright & Co., and Thompson & Forman, of London," reported the same back to the House, and recommended its passage.

Mr. Peck demanded a call of the House, and the roll having been called over, it appeared the following members were absent:

Messrs. Blackman, Edwards, Funk, Gillespie, Henderson, Logan, Menard, Munsell, Shepley, and Thornton.

On motion of Mr. McClermand,

Further proceedings under the call of the House were dispensed with, And Mr. McClermand moved to lay the bill on the table; which was agreed to.

Mr. Murphy of Cook, from the committee on Banks and other Corporations, to which was referred the Senate bill for "An act to incorporate the Trustees of the Winchester male and female Common and Preparatory Schools," reported the same back to the House, with amendments; which were read and concurred in, and the bill

*Ordered to a third reading.*

Mr. Murphy of Cook, from the same committee, to which was referred the Senate bill for "An act to provide for the safe keeping and disbursement of the public revenue," reported the same back to the House and recommended its passage.

Mr. Logan moved to lay the bill on the table; which was agreed to; by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bentley, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Cox, Cunningham, Darnielle, Denny, Drummond, Emmerson, Francis, Froman, Green, Hull, Humphrey, Laughlin, Logan, McLean, Minshall, Murphy of Perry, Oliver, Phelps, Phillips, Scott, Shepley, Thornton, Threlkeld, Troy, Turney, Waters, West, Woodson, and Wood—38.

Those who voted in the negative, are,

Messrs. Baldwin, Barnett, Bissell, Carpenter, Cavarly, Courtright, Crain, Dollins, Dougherty, Dunlap, English, Hankins, Hicks, Kelly, Kitchell, Leary, Lester, Lincoln, McClermand, McClurken, McDonald, McGinnis, Marshall, Murphy of Cook, Odam, Olds, Parsons, Peck, Ross, Trumbull, Webb, Wheeler, White, Wilson, and Mr. Speaker—35.

Mr. Crain, from the committee on Engrossed Bills, reported as correctly engrossed bills of the following titles, viz:

A bill for "An act to locate and change certain State roads;"

A bill for "An act to incorporate the Coltonville Steam and Hydraulic Manufacturing Company;"

A bill for "An act concerning appeal bonds;" and

A bill for "An act to authorize Isaac D. Patterson to build a bridge across Salt creek, in the counties of Menard and Mason."

Mr. Carcenter, from the committee on Counties, to which was referred sundry petitions and remonstrances from Sangamon, Morgan, and other counties, in relation to division of counties and removal of county seats," reported the same back to the House, and was discharged from the further consideration of the same.

Mr. Kitchell, from the committee on the Judiciary reported a bill for "An act further defining the duties of the Attorney General, and for other purposes;" which was read the first time, and

*Ordered to a second reading*

Mr. Leary, from the committee on the Judiciary, to which was referred the bill for "An act in relation to the redemption of lands and lots sold for

taxes in the city of Chicago," reported the same back to the House, and recommended its passage; when the bill was

*Ordered to be engrossed.*

Mr. Edwards, from the committee on Internal Improvements, to which was referred the bill for "An act to incorporate the Rockford and Chicago Railroad Company," reported the same back to the House, and recommended its passage; when the bill was

*Ordered to be engrossed.*

Mr. Edwards, from the same committee, to which was referred the bills for

"An act to improve the navigation of Rock river, at Rockford, in the county of Winnebago, and to incorporate the Rockford Hydraulic Company," and

"An act to incorporate the Rock river Hydraulic and Manufacturing Company," reported the same back to the House, and was discharged from the further consideration of the same; when,

On motion of Mr. Cavarly,

The bills were laid on the table.

Mr. Ross, from the committee on Finance, reported a bill for "An act to repeal the 25th section of an act, entitled 'An act to incorporate the subscribers to the Bank of the State of Illinois;'" which the Speaker decided to be out of order, as the same proposition, on the motion of Mr. Trumbull, had been this day decided; from which decision, Mr. Ross took an appeal to the House;

And the question being put—"Shall the decision of the Chair stand as the rule of this House?"

It was decided in the affirmative.

So the bill was not received.

Mr. Murphy of Cook moved the reconsideration of the vote taken this morning on ordering the bill for "An act regulating the sale of property," to a third reading; which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Barnett, Bissell, Bradford, Busey, Cavarly, Drummond, English, Kitchell, Laughlin, Minshall, Murphy of Cook, Olds, Ormsbee, Peck, Phelps, Ross, Trumbull, Webb, West, Wilson Woodson, Wood, and Mr. Speaker—24.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bentley, Brown of Sangamon, Brown of Vermilion, Canady, Carpenter, Courtright, Crain, Darnielle, Denny, Dodge, Dollins, Dougherty, Dunlap, Edwards, Emmerson, Francis, Froman, Gillespie, Green, Hull, Kelly, Leary, Lester, Lincoln, McClernand, McClurken, McDonald, McGinnis, McLean, Marshall, Murphy of Perry, Odam, Oliver, Parkinson, Parsons, Phillips, Reynolds, Scott, Thornton, Threlkeld, Troy, Turney, Waters, Wheeler, and White—49.

Mr. English, from the select committee, to which was referred the bill for "An act to amend an act authorizing the county commissioners' court to construct certain roads in Greene county," reported the same back to the House with amendments; which were read and concurred in, and the bill

*Ordered to be engrossed.*

Mr. Carpenter, from the committee on Counties, to which was referred certain petitions, reported a bill for "An act to amend an act to create the county of Scott;" which was read the first time, and

*Ordered* to a second reading.

Mr. Trumbull, from the committee on Engrossed Bills, reported as correctly engrossed, a bill for "An act to incorporate the Springfield, Jacksonville, and Meredosia Railroad Company."

House bills for

"An act to incorporate the Illinois Agricultural and Stock Association;"

"An act to incorporate the town of Marion;"

"An act to establish the county of Okaw;"

Were severally considered, and the Senate amendments thereto were read and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives, that they have passed bills of the following titles:

A bill for "An act for the relief of the purchasers of canal lots;"

A bill for "An act to incorporate the Schuyler county Manufacturing and Transportation Company."

They have also indefinitely postponed the further consideration of a bill entitled a bill for "An act to locate a State road from Decatur to Alton."

They have also concurred with them in the passage of bills of the following titles, viz:

A bill for "An act to exempt certain articles from execution;"

A bill for "An act to amend the several acts in relation to constables;"

A bill for "An act to locate a State road from Urbana, in Champaign county, by way of North Bend, to Marion, in De Witt county;"

A bill for "An act to authorize Henry Hand to keep a ferry across Rock river;"

A bill for "An act to authorize David and Samuel Mitchell to establish a ferry across the Mississippi river, at Albany, in Whiteside county."

They have also concurred with them in the passage of bills of the following titles, viz:

A bill for "An act incorporating the Phoenix Insurance Company;"

A bill for "An act to locate the county seat of Stark county, and to make a certain addition to said county;"

A bill for "An act to extend the location of the Darwin and Charleston Turnpike Company, from Charleston to Springfield;" as amended by them.

In which amendments they ask the concurrence of the House.

The bill for "An act to improve the navigation of the Okaw river," was read the third time, and,

On motion of Mr. Trumbull,

Referred to the committee on Internal Improvements.

Senate bill for "An act to regulate the sale of property," was read the third time, and

Mr. Woodson moved to amend the bill so as to prevent its application to contracts heretofore made.

Mr. Parsons demanded the previous question.

Mr. Trumbull demanded a call of the House; and the roll being called over,

On motion of Mr. McClernand,

Further proceedings under the call of the House were dispensed with, When the question being put on ordering the previous question,

It was sustained.

And the question being put on agreeing to the amendment proposed by Mr. Woodson,

It was lost.

Mr. Brown of Sangamon moved to lay the bill on the table; which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bailey, Baldwin, Beall, Bennett, Bissell, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Cox, Cunningham, Darnielle, Denny, Drummond, Emmerson, Froman, Funk, Hull, Kitchell, Leary, Lincoln, McClurken, McGinnis, Parkinson, Phillips, Reynolds, Thornton, Threlkeld, Trumbull, Webb, West, Wilson, Woodson, and Wood—31.

Those who voted in the negative, are,

Messrs. Barnett, Bentley, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, Dunlap, Edwards, English, Francis, Gillespie, Green, Humphrey, Kelly, Laughlin, Lester, Logan, McClerland, McDonald, McLean, Marshall, Minshall, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Parsons, Peck, Ross, Scott, Troy, Turney, Waters, Wheeler, White, and Mr. Speaker—41.

And the question being put on the passage of the bill,

It was decided in the negative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bentley, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dunlap, Edwards, English, Gillespie, Green, Hicks, Humphrey, Kelly, Laughlin, Lester, Logan, McClerland, McDonald, McLean, Marshall, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Parsons, Peck, Ross, Scott, Troy, Turney, Waters, Wheeler, White, and Mr. Speaker—38.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Baldwin, Barnett, Beall, Bennett, Bissell, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Cox, Cunningham, Darnielle, Denny, Drummond, Emmerson, Francis, Froman, Funk, Hull, Kitchell, Leary, Lincoln, McClurken, McGinnis, Minshall, Parkinson, Phillips, Reynolds, Thornton, Threlkeld, Trumbull, Webb, West, Wilson, Woodson, and Wood—38.

Senate bill for "An act for the benefit of John W. Evans," was read the first time, and the second and third times by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof.

Senate bill for "An act concerning the records of Madison county," was read the first time, and the second time by its title, and

Mr. Cavarly moved to fill the blank in the 4th section of the bill with "ten cents;" which was not agreed to; when,

On motion of Mr. Gillespie,

The blank was filled with the words "twelve and a half," and

The bill, as amended, was

*Ordered* to a third reading.

Mr. Reynolds moved a reconsideration of the vote on the passage of the bill for "An act to regulate the sale of property."

Mr. Dodge demanded a call of the House;

And pending the call of the House,

Mr. Bissell, on leave, introduced a bill for "An act to provide for the appointment of an agent in relation to the State House;" which was read the first time, and the second time by its title, and referred to the committee on Public Buildings and Grounds.

And the Doorkeeper having reported,

The question was put on the motion of Mr. Reynolds to reconsider the vote on the passage of the bill for "An act to regulate the sale of property," which was reconsidered, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Barnett, Bentley, Blackman, Busey, Carpenter, Cavarly, Court-right, Crain, Dodge, Dollins, Dougherty, Dunlap, Edwards, English, Gillespie, Green, Hankins, Hicks, Humphrey, Kelly, Laughlin, Lester, Logan, McClernand, McDonald, McLean, Marshall, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Reynolds, Ross, Scott, Threlkeld, Turney, Waters, Wheeler, White, and Mr. Speaker—41.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Baldwin, Beall, Bennett, Bissell, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Cox, Cunningham, Darnielle, Denny, Drummond, Emmerson, Francis, Froman, Funk, Hull, Kitchell, Leary, Lincoln, McClurken, McGinnis, Minshall, Parkinson, Phillips, Thornton, Trumbull, Webb, West, Wilson, Woodson and Wood—35.

The question then recurring on the passage of the bill,

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Barnett, Bentley, Blackman, Busey, Carpenter, Cavarly, Court-right, Crain, Cunningham, Dodge, Dollins, Dougherty, Dunlap, Edwards, English, Gillespie, Green, Hankins, Hicks, Humphrey, Kelly, Lester, Logan, McClernand, McDonald, McLean, Marshall, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Reynolds, Ross, Scott, Threlkeld, Turney, Waters, Wheeler, White, and Mr. Speaker—44.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Baldwin, Beall, Bennett, Bissell, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Cox, Darnielle, Denny, Drummond, Emmerson, Francis, Froman, Funk, Hull, Kitchell, Laughlin, Leary, Lincoln, McClurken, McGinnis, Minshall, Parkinson, Phillips, Thornton, Trumbull, Webb, West, Wilson, Woodson, and Wood—35.

When,

On motion,

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

The Speaker laid before the House a communication from the Governor, enclosing resolutions of the Kentucky Legislature, in relation to a change in the Constitution of the United States; which was read and laid on the table.

The Speaker also laid before the House a communication from the Governor, enclosing a communication from the Governor of Alabama, with resolutions of the Legislature of Alabama, in relation to the "Protective policy;" which was read and laid on the table.

Senate bills of the following titles were severally read the first time, and the second time by their titles, and

*Ordered* to a third reading, viz:

"An act for the benefit of the inhabitants of town nine, south of range eight, east, in Gallatin county;"

"An act to authorize James P. Morris to remove obstructions in Cahokia creek;"

"An act to amend an act, entitled 'An act to create the county of Bureau;'"

"An act to incorporate the Le Roy Manual Labor University."

Senate bill for "An act authorizing school commissioners to convey land in certain cases," was read the first time, and

*Ordered* to a second reading.

Senate bills of the following titles were severally read the first time, and the second and third times by their titles, and passed, viz:

"An act to incorporate the Fancy Farm College;"

"An act for the relief of the Sheriff of Green county;"

"An act to authorize Joseph Chaffin, and Christian Casebur to build a mill-dam across the Kaskaskia river;"

"An act to amend an act, entitled 'An act to incorporate the town of Galesburg, in Knox county;'"

"An act creating a justice's and constable's district, in White county."

*Ordered*, That the titles be as aforesaid, and that the Clerk inform the Senate thereof.

Senate bill for "An act for the relief of Justin Post," was read the first time, and the second time by its title, and referred to the committee on Canals and Canal Lands.

Senate bill for "An act authorizing the Canal Commissioners to sell land in certain cases," was read the first time, and the second time by its title, and

Mr. Peck moved to amend the bill by striking out "five" wherever it occurs, and insert "two" so as to make it read "two acres;" which was agreed to; when,

On motion of Mr. Archer,

The bill was referred to the committee on Canals and Canal Lands.

Mr. Crain, from the committee on Enrolled Bills, reported that he had on this day laid before the Council of Revision, for their approval, bills of the following titles, viz:

A bill for "An act to establish a ferry across the Illinois river at Peru;"

A bill for "An act to provide for the appointment of another commissioner to review certain State roads;"

A bill for "An act to authorize Lester Barker, Alanson House, and their associates to build a mill-dam across Fox river;"

A bill for "An act to authorize the erection of a mill-dam across Rector's fork of the Saline, in Gallatin county;"

A bill for "An act to amend the several acts incorporating the Beardstown and Sangamon Canal Company;" and



A bill for "An act to vacate the plat of the town of Iowa, in Perry county."

Engrossed bills of the following titles were severally read the third time by their titles, and passed, viz:

"An act to authorize Isaac D. Patterson to build a bridge across Salt creek, in the counties of Menard and Mason;"

"An act to incorporate the Coltonville Steam and Hydraulic Manufacturing Company;" and

"An act to locate and change certain State roads."

*Ordered*, That the titles be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Engrossed bill for "An act concerning appeal bonds," was read the third time, and,

On motion of Mr. Dodge,

Laid on the table, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Barnett, Beall, Bennett, Bentley, Bissell, Bradford, Brown of Vermilion, Busey, Canady, Courtright, Cunningham, Darnielle, Denny, Dodge, Dollins, Dougherty, Dunlap, Edwards, Emerson, English, Froman, Funk, Gillespie, Green, Hankins, Hicks, Hull, Leary, Logan, McDonald, McGinnis, McLean, Marshall, Minshall, Munsell, Murphy of Cook, Olds, Oliver, Ormsbee, Parsons, Peck, Phillips, Ross, Scott, Thornton, Threlkeld, Troy, Waters, West, Wheeler, Woodson, and Mr. Speaker—53.

Those who voted in the negative, are,

Messrs. Baldwin, Carpenter, Cavarly, Cox, Kitchell, Laughlin, Lester, Murphy of Perry, Odam, Reynolds, Turney, Webb, Wilson, and Wood—14.

Senate bill for "An act further to amend an act to provide for a settlement of accounts between the State Bank and Bank of Illinois;" was read the first time, and the second time by its title, and,

On motion of Mr. Turney,

Referred to the committee on Finance.

Senate bill for "An act to authorize the Mount Carmel and Alton Railroad Company to construct the Southern Cross Railroad," was read the first time, and the second time by its title, and referred to the committee on Internal Improvements.

Senate bill for "An act to authorize John L. Hunsaker to keep a ferry across the Mississippi river" was read the second time, and third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof.

Senate bill for "An act for the relief of Calvin Gould," was read the second time, and referred to the committee on Finance.

House bill for "An act incorporating the Phoenix Insurance Company," was considered, and the Senate amendments thereto were read and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

House bill for "An act to locate the county seat of Stark, and to make a certain addition to said county," was considered, and the Senate amendments thereto, were read, and,

On motion of Mr. Denny,

The bill was laid on the table.

House bill for "An act to extend the Charleston and Darwin Turnpike, from Charleston to Springfield," was considered, and the Senate amendments thereto, were read, and,

On motion of Mr. White,

The Senate amendment was amended by adding the following words, viz: "by Mount Auburn, in Christian county;"

When the Senate amendments, as amended was concurred in.

Mr. Kelly moved the indefinite postponement of the bill; which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bailey, Cox, English, Hicks, Kelly, McClelland, McDonald, Marshall, Munsell, Ormsbee, Ross, Scott, Turney, and Wheeler—14.

Those who voted in the negative, are,

Messrs. Archer, Baldwin, Barnett, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Bu-ey, Canady, Cavarly, Courtright-Crain, Cunningham, Darnielle, Denny, Dodge, Dunlap, Edwards, Emmer, son, Francis, Froman, Funk, Green, Hull, Kitchell, Logan, McClurken, McGinnis, McLean, Minshall, Odam, Olds, Oliver, Parkinson, Parsons, Phillips, Reynolds, Shepley, Thornton, Threlkeld, Troy, Trumbull, Webb West, White, Wilson, Woodson, Wood, and Mr. Speaker—50.

*Ordered*, That the Clerk inform the Senate thereof, and ask their concurrence in the amendment of the House to the Senate amendment.

On motion of Mr. Shepley,

The following rule was adopted, viz:

"No member shall hereafter speak on any subject before the House, at any one time, more than ten minutes."

Senate bill for "An act to incorporate the Schuyler County Manufacturing Company," was read the first time, and the second and third times by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof.

Senate bill for "An act for the relief of purchasers of canal lots," was read the first time, and the second time by its title, and referred to the committee on Canals and Canal Lands.

The Speaker laid before the House a communication from the Governor, enclosing a memorial from the Legislature of Michigan to the Congress of the United States, in relation to a canal around the falls of St. Marie;" which was read, and,

On motion of Mr. Cavarly,

Referred to the committee on Internal Improvements.

Mr. Edwards, from the select committee of nine, appointed in pursuance of a resolution, to consider and report on the "best means of further providing for the payment of interest on the State debt," the disposition of the "internal improvement system," and the continuance of operations on the canal," made a report; which was read,

And Mr. Munsell, one of the members of the same committee made a report; which was read,

And Mr. Trumbull moved to lay the reports on the table; which was agreed to.

The bill for "An act for the early completion of the Illinois and Michigan Canal," accompanying the report of the majority of the committee, was read the first time, and the second time by its title, and,

On motion of Mr. McClernand,

To lay the bill on the table, and print 150 copies,

Mr. Trumbull demanded a division of the question;

When the bill was laid on the table, and 150 copies thereof ordered to be printed.

The bill for "An act to provide for a loan for canal purposes," was read the first time, and refused a second reading, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Barnett, Beall, Bradford, Brown of Sangamon, Brown of Vermilion, Cavarly, Courtright, Darnielle, Denny, Dodge, Edwards, English, Gillespie, Green, Henderson, Hull, Humphrey, Laughlin, Leary, Lincoln, McClernand, McDonald, Minshall, Ormsbee, Parsons, Reynolds, Ross, Shepley, Turney, Webb, West, and Mr. Speaker—34.

Those who voted in the negative, are,

Messrs. Baldwin, Bennett, Bentley, Busey, Carady, Carpenter, Cox, Crain, Cunningham, Dollins, Dunlap, Emmerson, Francis, Froman, Funk, Hicks, Kitchell, Lester, Logan, McClorken, McLean, Munsell, Murphy of Perry, Odam, Olds, Oliver, Parkinson, Peck, Phillips, Thornton, Threlkeld, Troy, Trumbull, Wheeler, Wilson, and Woodson—36.

When,

On motion,

The House adjourned.

### WEDNESDAY, FEBRUARY 24, 1841.

House met pursuant to adjournment.

The Speaker laid before the House a communication from the Governor, enclosing a communication from the Governor of Indiana, with certain resolutions of the Legislature of that State, in relation to the public lands; which were read, and laid on the table.

Mr. Leary presented the petition of the common council of Chicago: which, without reading, on his motion, was referred to the committee on Canals and Canal Lands.

Mr. Webb presented the petition of the "Vincennes Historical and Antiquarian Society;" which, without reading, on his motion, was referred to the committee on Education.

Mr. Cavarly, on leave, introduced a bill for "An act supplemental to an act, to establish Circuit Courts," approved February 23, 1841; which was read the first time, and the second and third times by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Crain, from the committee on Engrossed Bills, reported as correctly engrossed, the following bills:

"A bill for an act, requiring county treasurers to assess taxable property;"

"A bill for an act to provide for letting the works of internal improvements to persons or companies, and for other purposes;" and

"A bill for an act for the formation of the county of Allen."

On motion of Mr. Trumbull,

The following resolution was adopted.

"*Resolved*, That the bills reported by the select committee of nine, in relation to the revenue, canal, internal improvements and bank, be now taken up, and made the special order of the day, from day to day until disposed of."

Mr. Webb demanded a call of the House,

And the roll being called over, it appeared that the following members were absent:

Messrs. Able, Barnett, Blackman, Cunningham, Dodge, Dollins, Drummond, Edwards, Gillespie, Henderson, McClurken, Phelps, Phillips, Scott, Thornton, Troy, and White; and pending the call,

The Speaker, on leave, introduced a bill for "An act in relation to the State Bank of Illinois, and for the relief of the people;" which was read the first time, and

*Ordered* to a second reading.

Mr. Ormsbee moved that the rules of the House be dispensed with, and the bill now read the second time by its title; which was agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bentley, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Carpenter, Courtright, Cox, Cunningham, Darnielle, Deuny, Dougherty, Dunlap, Emmerson, Francis, Froman, Funk, Green, Hull, Humphrey, Laughlin, Lincoln, Logan, McGinnis, McLean, Minshall, Murphy of Cook, Odam, Ormsbee, Parkinson, Phillips, Reynolds, Threlkeld, Turney, Waters, West, Woodson, and Mr. Speaker—42.

Those who voted in the negative, are,

Messrs. Baldwin, Bissell, Cavarly, Crain, Dodge, English, Hankins, Hicks, Kitchell, Lester, McClernand, McClurken, McDonald, Marshall, Munsell, Olds, Peck, Ross, Thornton, Trumbull, Wheeler, Wilson, and Wood—21.

Mr. Brown of Sangamon, from the committee on Agriculture and Manufactures, to which was referred the bill for "An act to amend an act entitled 'An act concerning estrays,'" approved February 9, 1838, reported the same back to the House with an amendment as a substitute: which was read and concurred in, and the bill

*Ordered* to a third reading.

And the rules of the House being dispensed with, the bill was now read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Dougherty, on leave, introduced a bill for "An act concerning the revenue;" which was read the first time, and

*Ordered* to a second reading.

On motion of Trumbull,

The bill for "An act for the early completion of the Illinois and Michigan canal," was taken up, and placed in the orders of the day.

The bill for "An act to provide for the payment of the interest on the State debt," reported from the select committee of nine, was read the first time, and

On motion of Mr. Henderson,

Was laid on the table.

The bill for "An act, reported yesterday from the select committee of nine," was read the first time; when,

Mr. Trumbull moved to lay the bill on the table; which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Bissell, Crain, Dollins, English, Hankins, Hicks, Humphrey, Kitchell, Laughlin, Lester, McClernand, McDonald, Marshall, Munsell, Murphy of Cook, Olds, Oliver, Ormsbee, Parsons, Peck, Ross, Scott, Trumbull, Wheeler, and Wilson—26.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Barnett, Beall, Bennett, Bentley, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Carpenter, Cavarly, Courtright, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Dunlap, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Green, Henderson, Hull, Leary, Lincoln, Logan, McClurken, McGinnis, McLean, Minshall, Murphy of Perry, Odam, Parkinson, Phillips, Reynolds, Shepley, Thornton, Threlkeld, Turney, Waters, Webb, West, Woodson, and Mr. Speaker—51.

When the bill was ordered to a second reading, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Barnett, Beall, Bennett, Bentley, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Carpenter, Cavarly, Courtright, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Dunlap, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Green, Henderson, Hull, Laughlin, Leary, Lincoln, Logan, McGinnis, McLean, Minshall, Murphy of Perry, Odam, Parkinson, Phillips, Reynolds, Shepley, Thornton, Threlkeld, Turney, Waters, Webb, West, Woodson, and Mr. Speaker—51.

Those who voted in the negative, are,

Messrs. Baldwin, Bissell, Crain, Dollins, English, Hankins, Hicks, Humphrey, Kitchell, Lester, McClernand, McClurken, McDonald, Marshall, Munsell, Murphy of Cook, Olds, Oliver, Ormsbee, Parsons, Peck, Ross, Scott, Trumbull, Wheeler, Wilson, and Wood—27.

When,

On motion of Mr. Lincoln,

The rules of the House were dispensed with, and the bill now read a second time by its title; and

Mr. Murphy of Perry moved to refer the bill to a select committee of five or seven.

Mr. McClernand moved to refer the bill to the committee on Finance.

Mr. Henderson moved to amend the motion of Mr. Murphy of Perry, to refer, by adding the "select committee immediately return it."

When the question was put on the motion to refer to the committee on Finance, and not agreed to; and on referring the bill to a select committee,

It was decided in the negative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bailey, Baldwin, Bradford, Busey, Cavarly, Crain, Dougherty, Drummond, English, Gillespie, Green, Hicks, Kitchell, Laughlin, Mc-

Clernand, McClurken, McDonald, Marshall, Murphy of Cook, Murphy of Perry, Olds, Oliver, Ormsbee, Parsons, Peck, Ross, Scott, Shepley, Troy, Trumbull, Waters, Webb, White, Wilson, and Mr. Speaker—35.

Those who voted in the negative, are,

Messrs. Archer, Barnett, Beall, Bennett, Bentley, Bissell, Brown of Sangamon, Brown of Vermilion, Canady, Carpenter, Courtright, Cox, Cunningham, Darnielle, Denny, Dodge, Dollins, Dunlap, Edwards, Emmerson, Francis, Froman, Funk, Hankins, Henderson, Hull, Leary, Lester, Lincoln, Logan, McGinnis, McLean, Minshall, Munsell, Odam, Parkinson, Phillips, Reynolds, Thornton, Threlkeld, Turney, West, Wheeler, Woodson, and Wood—45.

Mr. Logan moved to amend the bill as follows:

Strike out the third section, and insert "the said bank shall not be entitled to the benefits of this act, until it shall have entered into contract with the Governor, to purchase of this State, six per cent. bonds at par as follows, to wit:"

"On the first day of July next, the amount of fifty thousand dollars; on the first day of January, 1842, fifty thousand dollars; on the first day of July, 1842, fifty thousand dollars; and on the first day of January, 1843, fifty thousand dollars; and the purchase money of said bonds shall be advanced at the times named by said bank, and applied exclusively to the redemption of bonds heretofore hypothecated by the Fund Commissioner, and to the payment of interest due on State indebtedness, other than to said bank;" which was agreed to.

Mr. Trumbull moved to amend the bill by adding the following:

"SEC. —. That the thirty-first section of the act entitled 'An act to incorporate the subscribers to the Bank of the State of Illinois, be and the same is hereby repealed;' " which,

On motion of Mr. Francis,

Was laid on the table, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bentley, Bradford, Brown of Vermilion, Canady, Carpenter, Courtright, Cox, Cunningham, Darnielle, Denny, Drummond, Dunlap, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Green, Henderson, Hull, Laughlin, Logan, McClurken, McGinnis, McLean, Minshall, Odam, Parkinson, Phillips, Reynolds, Scott, Threlkeld, Waters, West, Woodson and Wood—41.

Those who voted in the negative, are,

Messrs. Baldwin, Barnett, Bissell, Brown of Sangamon, Busey, Cavarly, Crain, Dodge, Dollins, Dougherty, English, Hankins, Hicks, Humphrey, Kitchell, Lester, Lincoln, McClernand, McDonald, Marshall, Munsell, Murphy of Cook, Murphy of Perry, Olds, Oliver, Ormsbee, Parsons, Peck, Ross, Shepley, Thornton, Troy, Trumbull, Turney, Webb, Wheeler, White, Wilson, and Mr. Speaker—39.

Mr. McClernand moved to amend the bill by adding the following as an additional section:

"SEC. —. The benefits of this act shall not be enjoyed by the said bank, unless the said bank shall execute to the Governor of this State, and his successors in office, for the use of the people of the State of Illinois, a bond of sufficient sum, conditioned for the payment of an annual bonus

into the treasury of the State, of three per cent. inclusive of the present bonus upon the capital stock."

Mr. Henderson moved to amend the amendment by striking out "three per cent." and inserting "six per cent." which was not agreed to.

Mr. Bentley demanded the previous question; which motion,

On motion of Mr. Murphy of Perry,

Was laid on the table; when,

On motion of Mr. Lincoln,

The amendment proposed by Mr. McClernand was laid on the table.

Mr. Parsons moved to amend the bill by adding the following as an additional section.

"Sec. —. The bank shall loan the sum of \$300,000 to the people of this State exclusively, and each county shall be entitled to a sum according to the ratio of the census taken for the year A. D. 1840; said accommodation to be made within four months from and after the passage of this act."

Mr. Olds moved to amend the amendment as follows:

"No loan shall exceed five hundred dollars to any one individual, or more than one thousand dollars to any company;" which was agreed to; when,

On motion of Mr. Courtright,

The amendment as amended, was laid on the table, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Barnett, Beall, Bennett, Bentley, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Carpenter, Courtright, Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Dunlap, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Green, Henderson, Hull, Kitchell, Laughlin, Leary, Lincoln, Logan, McClernand, McGinnis, Minshall, Munsell, Murphy of Cook, Murphy of Perry, Odam, Oliver, Parkinson, Phillips, Reynolds, Scott, Thornton, Threlkeld, Troy, Turney, Waters, West, Woodson, and Wood—54.

Those who voted in the negative, are,

Messrs. Baldwin, Bissell, Cavarly, Crain, Dodge, Dollins, English, Hankins, Hicks, Humphrey, Lester, McClurken, McDonald, McLean, Marshall, Olds, Ormsbee, Parsons, Peck, Ross, Trumbull, Webb, Wheeler, White, Wilson, and Mr. Speaker—26.

Mr. Murphy of Cook moved to amend the bill by adding three additional sections, as follows:

"Sec. 5. That during the time said bank shall continue to suspend the payment of specie, the inhabitants of this State who are indebted to them in notes heretofore discounted, shall be allowed to pay their debts in instalments at the rate of ten per cent. on each and every renewal of the amount due, upon condition that such debtors shall execute new notes with satisfactory security, and pay the aforesaid per cent. and the interest in advance, according to the usages of banking."

"Sec. 6. Hereafter no director of this bank, or the firm with which he or the President may have been connected, shall become liable to the institution, either as principal or security for more than five thousand dollars at any one time."

"SEC. 7. Any violation of the provisions of this act on the part of the bank shall work a forfeiture of its charter."

Mr. Carpenter moved to insert the word "originally" after the word "amount" at the end of the sixth line.

Which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bailey, Beall, Bennett, Carpenter, Courtright, Cox, Emmer-  
son, Francis, Funk, Henderson, Hull, Lincoln, McClurken, Minshall, Mun-  
sell, Parkinson, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters,  
Webb, West, and Wood—25.

Those who voted in the negative, are,

Messrs. Archer, Baldwin, Barnett, Bentley, Bissell, Bradford, Brown of  
Sangamon, Brown of Vermilion, Busey, Canady, Cavarly, Crain, Cun-  
ningham, Darnielle, Denny, Dodge, Dollins, Dougherty, Dunlap, English,  
Froman, Gillespie, Green, Hankins, Humphrey, Kitchell, Leary, Lester,  
Logan, McClernand, McDonald, McGinnis, McLean, Marshall, Murphy  
of Cook, Murphy of Perry, Odam, Olds, Ormsbee, Parsons, Peck, Ross,  
Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Woodson,  
and Mr. Speaker—51.

Mr. Lincoln moved to amend by striking out the last section of the pro-  
posed amendment.

Which was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bentley, Bradford, Brown of  
Sangamon, Brown of Vermilion, Busey, Canady, Carpenter, Courtright,  
Cox, Cunningham, Darnielle, Denny, Dougherty, Drummond, Dunlap,  
Edwards, Emerson, Francis, Froman, Funk, Gillespie, Green, Hender-  
son, Hull, Lincoln, Logan, McGinnis, McLean, Minshall, Munsell, Mur-  
phy of Perry, Odam, Parkinson, Phillips, Reynolds, Shepley, Thornton,  
Threlkeld, Troy, Waters, Webb, West, and Woodson—45.

Those who voted in the negative, are,

Messrs. Baldwin, Barnett, Bissell, Cavarly, Crain, Dodge, Dollins,  
English, Hankins, Hicks, Humphrey, Kitchell, Leary, Lester, McCler-  
nand, McClurken, McDonald, Marshall, Murphy of Cook, Olds, Oliver,  
Ormsbee, Parsons, Peck, Ross, Scott, Trumbull, Wheeler, White, Wil-  
son, Wood, and Mr. Speaker—32.

When the amendment as amended, was agreed to.

Mr. McClernand moved to amend the bill further by adding the follow-  
ing as an additional section:

"SEC. —. If the bank shall accept of the provisions of this act, then  
the private stockholders in said institution shall from the date of such ac-  
ceptance until the expiration of its charter be held liable in their indi-  
vidual capacities, to the extent of their stock, for the debts of said institution,  
and from such acceptance; this section of this act shall be considered an  
integral part of the charter of said institution, any law heretofore passed  
to the contrary notwithstanding.

"SEC. —. That hereafter, there shall not be paid to the President and  
Cashier of the State Bank, out of the proceeds of that portion of the stock  
owned by the State, a greater proportionate salary per annum than fifteen  
hundred dollars;" which,

On motion of Mr. Lincoln,

Was laid on the table, by yeas and nays, as follows:



Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bentley, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Carpenter, Courtright, Cox, Cunningham, Darnielle, Denny, Dougherty, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Green, Henderson, Hull, Laughlin, Lincoln, Logan, McGinnis, McLean, Minshall, Munsell, Murphy of Perry, Odam, Parkinson, Phillips, Reynolds, Shepley, Thornton, Threlkeld, Troy, Turney, Waters, Webb, West, and Woodson,—47.

Those who voted in the negative, are,

Messrs. Baldwin, Barnett, Bissell, Cavarly, Crain, Dodge, Dollins, English, Hankins, Hicks, Kitchell, Leary, Lester, McClernand, McClurken, McDonald, Marshall, Murphy of Cook, Olds, Oliver, Ormsbee, Parsons, Peck, Ross, Scott, Trumbull, Wheeler, White, Wilson, Wood, and Mr. Speaker—31.

Mr. Trumbull moved to amend the bill by adding the following as an additional section:

“SEC. —. That for the purpose of affording the people of this State an opportunity to pass upon the propriety of this act, it shall be the duty of all judges of the election for members of Congress, on the first Monday in August next, to cause two columns to be ruled upon the poll books, and each voter shall have the right to vote in favor or against the provisions of this act, and returns of said votes shall be made to the Secretary's office in the same manner as votes cast for Governor, and if it shall appear that a majority of all the votes cast for or against said act, shall be in favor of said law, then the Governor shall issue his proclamation, declaring this act to be in force, but if a majority of the votes cast, be opposed to said act, the same shall not become a law.

“The operation of this act is hereby suspended until the issuing of the Governor's proclamation as aforesaid;” which,

On motion of Mr. Courtright,

Was laid on the table, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Barnett, Beall, Bennett, Bentley, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Carpenter, Courtright, Cox, Cunningham, Darnielle, Denny, Dougherty, Dunlap, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Green, Henderson, Hull, Laughlin, Lincoln, Logan, McGinnis, McLean, Minshall, Murphy of Perry, Odam, Parkinson, Phillips, Reynolds, Thornton, Threlkeld, Troy, Waters, West, White, and Wood—45.

Those who voted in the negative, are,

Messrs. Baldwin, Bissell, Busey, Cavarly, Crain, Dodge, Dollins, Drummond, English, Hankins, Hicks, Kitchell, Leary, Lester, McClernand, McDonald, Marshall, Munsell, Murphy of Cook, Olds, Oliver, Ormsbee, Parsons, Peck, Ross, Trumbull, Turney, Webb, Wheeler, Wilson, Woodson, and Mr. Speaker—32.

Mr. White moved to amend the bill as follows:

“SEC. —. That the said bank shall pay one hundred and fifty thousand dollars for Auditor's warrants.”

Mr. Peck moved to amend the amendment as follows:

“*Provided always*, That the Auditor's warrants issued to members of the present General Assembly for per diem allowance, shall not be considered as coming within the provision or provisions of this act,” and

On motion of Mr. Courtright,

The proposed amendments were laid on the table.

Mr. Cavarly moved to amend the bill as follows:

Strike out "repealed" in the first section, and insert "suspended until a majority of the banks of Ohio, Kentucky, Indiana, and Missouri shall resume specie payments."

Mr. White demanded the previous question.

Mr. Peck moved to lay the demand for the previous question on the table; which was decided in the negative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bailey, Baldwin, Bennett, Bentley, Bradford, Brown of Vermilion, Cavarly, Crain, Darnielle, Dodge, Dollins, Drummond, Francis, Gillespie, Green, Henderson, Kitchell, Lester, Logan, McClernand, McLean, Marshall, Murphy of Cook, Olds, Parsons, Peck, Ross, Thornton, Trumbull, Webb, Wheeler, Wilson, and Mr. Speaker—33.

Those who voted in the negative, are,

Messrs. Archer, Barnett, Beall, Bissell, Brown of Sangamon, Busey, Canady, Carpenter, Courtright, Cox, Cunningham, Denny, Dougherty, Dunlap, Edwards, Emmerson, English, Froman, Funk, Hankins, Hicks, Hull, Humphrey, Laughlin, Leary, Lincoln, McClurken, McDonald, McGinnis, Minshall, Munsell, Murphy of Perry, Oliver, Ormsbee, Parkinson, Phillips, Reynolds, Threlkeld, Troy, Turney, Waters, West, White, Woodson, and Wood—45.

And the previous question was sustained.

And the question being on agreeing to the amendment proposed by Mr. Cavarly,

Mr. Lincoln moved to lay the amendment on the table,

Which was decided in the negative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bailey, Bennett, Bradford, Brown of Vermilion, Canady, Carpenter, Courtright, Darnielle, Denny, Edwards, Francis, Froman, Funk, Gillespie, Green, Henderson, Hull, Lincoln, Logan, McGinnis, McLean, Minshall, Parkinson, Phillips, Reynolds, Thornton, Threlkeld, West, Wood, and Mr. Speaker—30.

Those who voted in the negative, are,

Messrs. Archer, Baldwin, Barnett, Beall, Bentley, Bissell, Brown of Sangamon, Busey, Cavarly, Cox, Crain, Cunningham, Dodge, Dollins, Drummond, Dunlap, Emmerson, English, Hankins, Hicks, Humphrey, Kitchell, Laughlin, Leary, Lester, McClernand, McClurken, McDonald, Marshall, Munsell, Murphy of Cook, Murphy of Perry, Odam, Oliver, Parsons, Peck, Ross, Scott, Troy, Trumbull, Turney, Waters, Webb, Wheeler, White, Wilson, and Woodson—47.

And on agreeing to the amendment proposed by Mr. Cavarly.

It was decided in the negative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Barnett, Bentley, Bissell, Busey, Cavarly, Crain, Dodge, Dollins, Drummond, English, Hankins, Hicks, Humphrey, Kitchell, Laughlin, Leary, Lester, McClernand, McDonald, Marshall, Munsell, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Ross, Trumbull, Turney, Webb, Wheeler, White, Wilson, and Mr. Speaker—38.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Carpenter, Courtright, Cox, Darnielle, Denny, Dunlap, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Green, Henderson, Hull, Lincoln, Logan, McClurken, McGinnis, McLean, Minshall, Parkinson, Phillips, Reynolds, Scott, Thornton, Threlkeld, Troy, Waters, West, Woodson, and Wood—40.

And the question being put, on ordering the bill to be engrossed,

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bentley, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Carpenter, Courtright, Cox, Cunningham, Darnielle, Denny, Dunlap, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Green, Henderson, Hull, Laughlin, Leary, Logan, McGinnis, McLean, Minshall, Murphy of Perry, Odam, Parkinson, Reynolds, Scott, Threlkeld, Waters, West, Woodson, and Mr. Speaker—42.

Those who voted in the negative, are,

Messrs. Baldwin, Barnett, Bissell, Cavarly, Crain, Dodge, Dollins, Drummond, English, Hankins, Hicks, Kitchell, Lester, Lincoln, McClermand, McClurken, McDonald, Marshall, Munsell, Murphy of Cook, Olds, Oliver, Ormsbee, Parsons, Peck, Phillips, Ross, Thornton, Troy, Trumbull, Turney, Webb, heeler, White, Wilson, and Wood—36.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives, that they have passed bills of the following titles, to wit:

“An act to incorporate the town of Vienna, in Johnson county;” and

“An act to incorporate the Nauvoo Agricultural and Manufacturing Association, in the county of Hancock;”

“An act to locate a State road therein named;” and

“An act further defining the duties of Attorney General, and for other purposes.”

In which, they ask the concurrence of the House of Representatives.

They have concurred with the House of Representatives in the passage of a bill entitled “An act to apportion the representation of the several counties in this State.”

They have also concurred with the House of Representatives in the passage of bills of the following titles, as amended by them, viz:

“A bill for an act concerning assessors;” and

“A bill for an act creating a board of auditors to settle the accounts of contractors on public works.”

In which amendments they ask the concurrence of the House of Representatives.

I am also directed by the Senate to inform the House of Representatives, that they have passed bills of the following titles, to wit:

“An act to change the time of holding courts in the third judicial circuit;”

“An act requiring the Secretary of State, and State Treasurer to take charge of the public buildings, and for other purposes;” and

"An act supplementary to an act, entitled 'An act for the formation of Piatt county.'"

In which they ask the concurrence of the House of Representatives.

When,

On motion,

The House adjourned to 2 o'clock, P. M.

## TWO O'CLOCK, P. M.

House met pursuant to adjournment.

The Speaker laid before the House a communication from the Governor, enclosing resolutions of the Legislature of Pennsylvania, in relation to public lands; which were read, and

On motion of Mr. McClernand,

Was referred to the committee on the Judiciary.

The Speaker also laid a communication before the House from the Governor, enclosing a communication from the Governor of Maine, with certain resolutions of the Legislature of that State, in relation to the "north east boundary question;" which was read, and laid on the table.

Senate bills of the following titles were severally read the third time, and passed, to wit:

"An act for the benefit of the inhabitants of town nine, south range, eight east, in Gallatin county;"

"An act to amend an act, entitled 'An act to create the county of Bureau;'"

"An act to authorize James P. Morris to remove obstructions in Cahokia creek;"

"An act to incorporate the Le Roy Manual Labor University."

*Ordered*, That the titles be as aforesaid, and that the Clerk inform the Senate thereof.

Senate bills of the following titles were severally read the third time, as amended, and passed, to wit:

"An act concerning the records of Madison county;"

"An act to incorporate the trustees of the Winchester Male and Female common and preparatory Schools."

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence in the amendments thereto.

Senate bill for "An act, authorizing school commissioners to convey land in certain cases," was read the second time, and the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof.

Engrossed bill for "An act for the formation of the county of Allen," was read the third time, and passed, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Barnett, Bennett, Bentley, Bissell, Blackman, Busey, Canady, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, Dunlap, English, Froman, Green, Hankins, Humphrey, Lester, Logan, McClernand, McDonald, McGinnis, McLean, Munsell, Murphy

of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parkinson, Parsons, Peck, Ross, Scott, Trumbull, Turney, Waters, West, Wheeler, Wilson, and Woodson—46.

Those who voted in the negative, are,

Messrs. Bailey, Bradford, Brown of Sangamon, Cox, Cunningham, Darnielle, Denny, Drummond, Francis, Funk, Hull, Kitchell, Leary, Lincoln, McClurken, Minshall, Phillips, Reynolds, Thornton, Threlkeld, Webb, White, Wood, and Mr. Speaker—24.

*Ordered*, That the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Crain, from the committee on Enrolled Bills, reported as correctly enrolled, bills of the following titles, viz:

"A bill for an act for the formation of the county of Richland;"

"A bill for an act authorizing the proprietors of Metropolis City in the county of Johnson, to alter the plat thereof;"

"A bill for an act to establish the county of Okaw;" and

"A bill for an act to incorporate the town of Marion;"

Also, "A bill for an act for the relief of Amos Menott."

Engrossed bill for "An act requiring county treasurers to assess taxable property," was read the third time, and

On motion of Mr. Trumbull,

Referred to the committee on Finance.

On motion of Mr. Dougherty,

The bill for "An act to provide for the payment of interest on the State debt," was taken up for consideration, and

Mr. Trumbull moved to amend the bill as follows:

"*Provided*, That no interest shall be paid upon bonds which have been parted with contrary to law, except so far as the State has received consideration therefor."

Mr. Dougherty moved to lay the proposed amendment on the table.

Which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Courtright, Cox, Darnielle, Dodge, Dougherty, Drummond, Emmerson, Francis, Gillespie, Henderson, Hull, Leary, Lincoln, Logan, McGinnis, McLean, Minshall, Murphy of Cook, Parkinson, Peck, Reynolds, Webb, West, White, Woodson, Wood, and Mr. Speaker—35.

Those who voted in the negative, are,

Messrs. Baldwin, Barnett, Bentley, Bissell, Blackman, Busey, Canady, Carpenter, Cavarly, Crain, Cunningham, Denny, Dollins, Dunlap, Edwards, English, Froman, Funk, Green, Hankins, Hicks, Humphrey, Kitchell, Laughlin, Lester, McClernand, McClurken, McDonald, Marshall, Munsell, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Phillips, Ross, Scott, Threlkeld, Trumbull, Turney, Waters, Wheeler, and Wilson—45.

And the question being put, on agreeing to the proposed amendment,

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Barnett, Bentley, Bissell, Blackman, Busey, Canady, Cavarly, Cox, Crain, Cunningham, Dollins, Dunlap, English, Froman, Funk, Green, Hankins, Hicks, Humphrey, Kitchell, Laughlin, Lester,

McClernand, McClurken, McDonald, Marshall, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Phillips, Ross, Scott, Threlkeld, Trumbull, Turney, Wheeler, White, Wilson, and Wood—43.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Carpenter, Courtright, Darnielle, Denny, Dodge, Dougherty, Drummond, Edwards, Emmerson, Francis, Gillespie, Henderson, Hull, Leary, Lincoln, Logan, McGinnis, McLean, Minshall, Murphy of Cook, Parkinson, Peck, Reynolds, Thornton, Waters, Webb, West, Woodson, and Mr. Speaker—35.

Mr. Henderson moved to amend the bill as follows:

"Amend the third section by striking out after the word "taxation" in the second line, to the word "and" in the third line, and insert in lieu thereof the following:

"Shall not be less than valued to in the year 1840, and all new land, becoming taxable this year, shall be averaged with the valuation aforesaid;" which was not agreed to.

Mr. Archer moved to amend the bill by adding the following to the end of the first section:

"And hereafter the county commissioner's court shall not levy a greater tax for county purposes, than thirty cents upon each one hundred dollars of taxable property;" which was not agreed to.

Mr. Kitchell moved to amend the fifth section of the bill as follows:

"*Provided*, That the bonds so issued, shall not be parted with at a less price than the expressed value, nor to a greater amount than the interest at the time actually due;" which,

On motion of Mr. Bissell,

Was laid on the table, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Barnett, Beall, Bennett, Bissell, Bradford, Brown of Vermilion, Cavarly, Courtright, Darnielle, Denny, Dodge, Dougherty, Dunlap, Edwards, English, Francis, Froman, Funk, Gillespie, Green, Hankins, Henderson, Hull, Humphrey, Laughlin, Leary, Lincoln, Logan, McDonald, McGinnis, Marshall, Minshall, Munsell, Murphy of Cook, Murphy of Perry, Parkinson, Peck, Phillips, Reynolds, Ross, Scott, Thornton, Turney, Webb, West, Woodson, Wood, and Mr. Speaker—50.

Those who voted in the negative, are,

Messrs. Baldwin, Bentley, Blackman, Brown of Sangamon, Busey, Carpenter, Cox, Crain, Cunningham, Dollins, Drummond, Emmerson, Hicks, Kitchell, Lester, McLean, Odam, Olds, Oliver, Ormsbee, Threlkeld, Trumbull, Waters, Wheeler, and Wilson—25.

Mr. Archer moved to amend the first section of the bill, by striking out "twenty" and inserting "ten;" which was agreed to.

Mr. Peck moved to amend the bill by adding the following to the first section:

"And that hereafter the sum of thirty cents for each one hundred dollars worth of taxable property shall be paid into the State Treasury, out of the taxation already allowed by law; and that in future, the county commissioners' court of any county may cause to be assessed and levied an additional sum of ten cents on each hundred dollars worth of taxable property for county purposes;" which,

On motion of Mr. Trumbull,

Was laid on the table.

Mr. West moved to amend the bill as follows:

"Strike out the third section" and insert "all lands shall be valued in reference to their true value;" which,

On motion of Mr. English,

Was laid on the table, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Barnett, Bentley, Bissell, Busey, Canady, Cavarly, Courtright, Darnielle, Dodge, Dougherty, Dunlap, Edwards, Emmerson, English, Francis, Froman, Funk, Gillespie, Green, Hicks, Hull, Humphrey, Laughlin, Lester, Lincoln, Logan, McClernand, McDonald, McGinnis, McLean, Marshall, Munsell, Murphy of Cook, Odam, Ormsbee, Parsons, Peck, Reynolds, Ross, Scott, Turney, Wheeler, White, Wood, and Mr. Speaker—46.

Those who voted in the negative, are,

Messrs. Bailey, Baldwin, Beall, Bennett, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Carpenter, Cox, Crain, Cunningham, Denny, Dollins, Drummond, Hankins, Henderson, Kitchell, Leary, McClurken, Minshall, Murphy of Perry, Olds, Oliver, Parkinson, Phillips, Thornton, Threlkeld, Trumbull, Webb, West, Wilson, and Woodson—33.

When the question was put, on ordering the bill to be engrossed; and decided in the negative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Barnett, Beall, Bissell, Busey, Carpenter, Darnielle, Dollins, Dougherty, Dunlap, Green, Hull, Humphrey, Laughlin, Leary, Logan, McDonald, McGinnis, Marshall, Murphy of Cook, Murphy of Perry, Parsons, Reynolds, Ross, Scott, Trumbull, White, Wilson, and Wood—27.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Baldwin, Bennett, Bentley, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Cavarly, Courtright, Cox, Crain, Cunningham, Denny, Dodge, Drummond, Edwards, Emmerson, English, Francis, Froman, Funk, Gillespie, Hankins, Henderson, Hicks, Kitchell, Lester, Lincoln, McClernand, McClurken, McLean, Minshall, Munsell, Odam, Olds, Oliver, Ormsbee, Parkinson, Peck, Phillips, Thornton, Threlkeld, Turney, Webb, West, Wheeler, Woodson, and Mr. Speaker—50.

A bill for "An act for the early completion of the Illinois and Michigan canal;" laid on the table on yesterday, was taken up, read a second time, and

On motion of Mr. Henderson,

Laid on the table.

House bill for "An act concerning assessors," was considered, as amended by the Senate; the amendments thereto were read, and concurred in.

Ordered, That the Clerk inform the Senate thereof.

A message from the Council of Revision, by Mr. Purinton, Clerk of the Council:

Mr. Speaker: I am directed by the Council of Revision to inform the House of Representatives, that they have this day approved bills of the following titles, to wit:

"An act for the formation of the county of Richland;"

"An act to establish the county of Okaw;"

"An act authorizing the proprietors of Metropolis city, in the county of Johnson, to alter the plat thereof;"

"An act for the relief of Amos Menott;"

"An act to incorporate the town of Macomb;"

"An act to vacate the plat of the town of Iowa, in Perry county;"

"An act to amend the several acts, incorporating the Beardstown and Sangamon Canal Company;"

"An act to provide for the appointment of another commissioner to review certain State roads;"

"An act to authorize the erection of a mill-dam across Rector's Fork of the Saline, in Gallatin county;"

"An act to authorize Lester Barker, Alanson House, and their associates to build a mill-dam across Fox river;"

"An act to establish a ferry across the Illinois river, at Peru."

A message from the Senate, by Mr. Nunnally, a Senator:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives, that they have passed bills of the following titles, viz:

"A bill for an act to provide for the settlement of the accounts of the State House Commissioners;"

"A bill for an act to incorporate the town of Tremont;"

"A bill for an act to require clerks of Circuit Courts to pay all monies received by them to the treasurer, and render an account;"

"A bill for an act defining the duties of the Commissioners, of the Illinois and Michigan canal."

In the passage of which they ask the concurrence of the House of Representatives.

Senate resolution in relation to the reception of no more new business after the 24th February, was read, and concurred in.

*Ordered,* That the Clerk inform the Senate thereof.

House bill for "An act concerning the taxes of Greene and Jersey counties," was considered; and the Senate amendments thereto, were read.

Mr. Turney moved to amend the Senate amendments, viz: "provide the said counties pay interest at the rate of eight per cent. per annum from the passage of this act until paid."

On motion of Mr. Cavarly,

The amendment proposed by Mr. Turney, was laid on the table.

Mr. Cavarly moved the previous question; which was sustained, and the Senate's amendments were concurred in.

*Ordered,* That the Clerk inform the Senate thereof.

On motion of Mr. Trumbull,

*Resolved,* That the Public Printer be required to publish the act establishing Circuit Courts in the paper by him published, and that he forward a copy of the paper containing said act to the clerk of each Circuit Court in the State.

Mr. Edwards, from the select committee of nine, to which was referred a bill for "An act to provide for the payment of interest on the Public debt," reported the same back to the House, and was discharged from the further consideration of the same; when the bill was informally laid aside.



Mr. Edwards, from the select committee of nine, to which was referred bill for "An act authorizing the Fund Commissioner to sell bonds for the redemption of scrip, and for other purposes," reported the same back to the House without amendment, and recommended its passage.

Mr. Ormsbee moved to strike out all after the enacting clause, and insert a substitute for the original bill.

Mr. Ross moved that the bill and amendments be indefinitely postponed, Which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Barnett, Busey, Cox, Crain, Cunningham, Darnielle, Dollins, Dougherty, Hankins, Hicks, Kitchell, Lester, McGinnis, Murphy of Perry, Odam, Olds, Oliver, Parsons, Phillips, Ross, Scott, Threlkeld, Trumbull, Waters, Webb, Wheeler, White, Wilson, and Mr. Speaker—

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Blackman, Bradford, Brown, Sangamon, Brown of Vermilion, Cavarly, Denny, Dodge, Drummond, Dunlap, Edwards, Emmerson, English, Francis, Froman, Gillespie, Green, Henderson, Hull, Humphrey, Laughlin, Leary, Lincoln, Logan, McClernand, McClurken, McDonald, McLean, Marshall, Minshall, Munsell, Murphy of Cook, Ormsbee, Parkinson, Peck, Reynolds, Thornton, Troy, Turney, West, and Wood—44.

Mr. Lincoln moved to lay the bill and amendments on the table; which was agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bailey, Baldwin, Barnett, Bentley, Bissell, Bradford, Busey, Carpenter, Cox, Crain, Cunningham, Darnielle, Dollins, Dougherty, English, Hankins, Hicks, Humphrey, Lester, Lincoln, McGinnis, Odam, Olds, Oliver, Parkinson, Parsons, Phillips, Ross, Scott, Threlkeld, Troy, Trumbull, Turney, Webb, West, Wheeler, White, Wilson, Woodson, and Mr. Speaker—41.

Those who voted in the negative, are,

Messrs. Archer, Beall, Bennett, Blackman, Brown of Sangamon, Brown of Vermilion, Cavarly, Courtright, Dodge, Drummond, Dunlap, Edwards, Emmerson, Francis, Froman, Gillespie, Green, Henderson, Hull, Kitchell, Laughlin, Leary, Logan, McClernand, McClurken, McDonald, McLean, Marshall, Minshall, Munsell, Murphy of Cook, Murphy of Perry, Ormsbee, Peck, Reynolds, Thornton, Waters, and Wood—36.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

Mr. Speaker: I am directed by the Senate to inform the House of Representatives that they have passed the following resolution, viz:

"Resolved by the General Assembly, That no new bills be received in either House after this day, Wednesday the 24th instant."

They have passed bills of the following titles, viz:

"A bill for an act to incorporate the Juliet Academy;"

"A bill for an act to authorize the appointment of assessors in certain sections;"

"A bill for an act to extend the boundaries of the county of Carroll."

In the passage of which, they ask the concurrence of the House of Representatives.

They have concurred with them in the passage of a bill entitled "An act supplemental to an act, to incorporate the Mount Carbon Coal Company, to increase the capital of said company to one million of dollars for the purpose hereinafter mentioned."

They have likewise concurred with them in the passage of a bill entitled "An act concerning the taxes of Greene and Jersey counties," as amended by them.

In which they ask the concurrence of the House.

They have also indefinitely postponed the further consideration of a bill entitled "A bill for an act to incorporate the Springfield Insurance Company."

They have concurred with the House of Representatives in the passage of a bill entitled "An act to amend an act, to incorporate the Colleges therein named."

A message from the Council of Revision, by Mr. Purinton, Clerk of the Council:

*Mr. Speaker:* I am directed by the Council of Revision to inform the House of Representatives, that on Tuesday the twenty-third inst., they approved bills of the following titles, viz:

"An act to authorize the sale of streets in Hillsboro;"

"An act for the relief of the collector of Pope county;"

"An act supplemental to an act, defining the duties of Public Printer, and fixing the time and manner of performing the same;"

"An act to prevent any assessment of damages in consequence of the location of railroads, when the land has not been actually used for the construction of such railroads;"

"An act in relation to incorporated towns and cities in this State;"

"An act for the benefit of the persons therein named;"

"An act to establish a ferry across the Illinois river."

Mr. Edwards, from the committee on Internal Improvements, to which was referred a Senate bill for "An act to remove obstructions in the navigation of the Little Wabash river, and for other purposes;" and

Engrossed bill for "An act to authorize the State to lease the mills at New Haven and Carmi, on the Little Wabash river," reported the same back to the House, and the Senate bill was considered.

Mr. Webb moved to strike out all after the enacting clause in the Senate bill, and insert a substitute for the original bill.

Mr. Green moved to lay the substitute offered by Mr. Webb on the table; which was not agreed to.

Mr. Turney demanded a call of the House; proceedings under which having continued some time,

Mr. Brown of Sangamon, moved to dispense with further proceedings under the call; which was not agreed to; the bill was then informally laid aside.

Mr. Brown of Vermillion, from the committee on Internal Improvements, to which was referred a bill for "An act to improve the navigation of the Okaw river," reported the same back to the House with amendments as follows:

Add to section 8, "and provided such by-laws are not in conflict with the laws and Constitution of the United States or this State."

Add to section 18, "according to the act concerning the right of way, and for other purposes," approved February 28, 1833.

Add to section 18, words "in the act concerning the right of way," approved February 28, 1833.

In the 8th line of the first section, insert after "courts," "Aaron Land, Wm. G. Brown, Ansby Fike, and John Griffin, of St. Clair county."

And after "counties" in the 7th line of section 14th, "St. Clair."

On motion of Mr. McClernand,

The bill was further amended by adding the following proviso:

*Provided*, That the said company shall not be authorized to levy tolls upon any boat or craft navigating the said stream, from and below the town of Kaskaskia, when the bill was passed.

*Ordered*, That the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Murphy of Cook, on leave, introduced the following bill for "An act for undefined purposes;" which was read a first and second time by its title, and referred to a select committee.

*Ordered*, That Messrs. Murphy of Cook, Peck, and Laughlin be said committee.

Mr. McClernand moved to dispense with further proceedings under the call of the House; which was agreed to, and the consideration of the bill for "An act to remove obstructions in the navigation of the Little Wabash river, and for other purposes," was resumed, and

Mr. Green moved to amend the substitute offered by Mr. Webb, by striking out "two" and inserting "three;" which was not agreed to; when the substitute offered by Mr. Webb, was adopted by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Bissell, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Crain, Cunningham, Darnielle, Dougherty, Drummond, Edwards, Emmerson, Froman, Funk, Gillespie, Henderson, Laughlin, Leary, Lincoln, McClernand, McGinnis, McLean, Minshall, Munsell, Parkinson, Phillips, Ross, Scott, Thornton, Threlkeld, Troy, Webb, and Wood—38.

Those who voted in the negative, are,

Messrs. Baldwin, Barnett, Bentley, Cavarly, Courtright, Denny, Dollins, Dunlap, English, Francis, Green, Hankins, Hicks, Hull, Humphrey, Mitchell, Lester, McClurken, McDonald, Marshall, Murphy of Perry, Adam, Olds, Oliver, Parsons, Trumbull, Turney, Waters, Wheeler, White, Wilson, and Mr. Speaker—32.

Mr. McClernand demanded the previous question; which was sustained, when the bill was passed.

*Ordered*, That the Clerk inform the Senate thereof, and ask their concurrence in the amendments thereto; when,

The House adjourned until 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

House met pursuant to adjournment.

The bill for "An act to provide for the payment of interest on the public debt," coming up for consideration,

Mr. Cavarly moved its reference to a select committee.

Mr. Leary demanded a call of the House, and the roll being called over, it appeared that the following members were absent:

Messrs. Able, Archer, Beall, Bissell, Blackman, Brown of Vermilion, Cunningham, Froman, Gillespie, Green, Hankins, Henderson, Hicks, Hull, McClermand, Marshall, Murphy of Cook, Olds, Ormsbee, Peck, Reynolds, Turney, Waters, Webb, and Wood; and pending the call,

Mr. Dollins offered for adoption the following resolution:

*"Resolved by the House of Representatives, the Senate concurring herein,* That both branches of the General Assembly convene in the Hall of the House of Representatives, on Friday the 26th inst., at 7 o'clock, P. M. for the purpose of electing State's Attornies in the several judicial circuits of this State;" which was agreed to.

*Ordered,* That the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Ross offered for adoption the following resolution:

*Whereas,* The Legislature has passed a joint resolution to adjourn *sine die* on the first day of March; and whereas, the Legislature has provided no ways and means to sustain the faith and credit of the State; and whereas, if this Legislature should adjourn and go home after a session of more than three months without making some permanent provisions to pay the interest on our State debt, we should richly merit, and in all human probability would receive the just censure and rebuke of a highminded and intelligent constituency. *Therefore,*

*Resolved by the House of Representatives, the Senate concurring herein,* That the joint resolution adopted by this Legislature to adjourn on the first day of March, be and the same is hereby rescinded; and that it is not expedient for this Legislature to adjourn without first making some permanent provision to sustain the honor and credit of the State, and to defray the necessary expenses of the State government for the next two years; and that the members and officers of this General Assembly shall perform their duties gratis; and without any compensation from the State treasury for services rendered after the first day of March; which,

On motion of Mr. Dougherty,

Was laid on the table.

Mr. Crain, from the committee on Enrolled Bills, reported that he had on this day, laid before the Council of Revision, for their approval bills of the following titles, viz:

"A bill for an act for the relief of Amos Menott;"

"A bill for an act for the formation of the county of Richland;"

"A bill for an act authorizing the proprietors of Metropolis city, in the county of Johnson, to alter the plat thereof;"

"A bill for an act to incorporate the town of Marion;" and

"A bill for an act to establish the county of Okaw."

Mr. White offered for adoption the following resolution:

*"Resolved by the General Assembly of the State of Illinois,* That there be one thousand copies of the militia laws printed for the use of the militia of this State;" which was not agreed to; when,

On motion of Mr. Lincoln,

Further proceedings under the call of the House were dispensed with. And the question recurring on the motion of Mr. Cavarly, to refer the

bill providing for the payment of interest on the public debt to a select committee; it was not agreed to.

Mr. Lincoln moved to amend the bill by striking out all after the enacting clause, and inserting a bill as a substitute.

Mr. Murphy of Cook, moved to amend the proposed amendment by striking out "ten" before the words "cents on every hundred dollars worth of property."

Which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bailey, Beall, Bennett, Bentley, Bissell, Carpenter Cavarly, Courtright, Crain, Cunningham, Darnielle, Dodge, Dollins, Drummond, Edwards, Francis, Funk, Green, Henderson, Hull, Humphrey, Laughlin, Leary, Murphy of Cook, Ross, Trumbull, Waters, and West—29.

Those who voted in the negative, are,

Messrs. Archer, Baldwin, Barnett, Bradford, Brown of Sangamon. Brown of Vermilion, Busey, Canady, Cox, Denny, Dougherty, Dunlap, Emmerson, English, Froman, Kitchell, Lester, Lincoln, Logan, McClurken, McDonald, McGinnis, McLean, Minshall, Munsell, Murphy of Perry. Odam, Olds, Oliver, Parkinson, Parsons, Phillips, Scott, Thornton, Threlkeld, Troy, Wheeler, White, Wilson, Woodson, Wood, and Mr. Speaker—42.

Mr. Murphy, of Cook, moved to amend the amendment by adding the following as an additional section:

"SEC. —. Ten cents on every hundred dollars authorized by existing laws to be paid into the county treasuries shall be paid into the State treasury, in addition to the taxes required by this act; and hereafter the counties of this State shall not raise more than 40 cents on every 100 dollars for county purposes."

Mr. Murphy, of Perry, moved to lay the amendment on the table; which was agreed to.

And the amendment proposed by Mr. Lincoln was agreed to as amended.

And the question being put on ordering the bill to be engrossed, it was decided in the affirmative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bissell, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Carpenter, Cavarly, Courtright, Darnielle, Denny, Dodge, Dollins, Dougherty, Dunlap, Edwards, English, Francis, Henderson, Hull, Humphrey, Laughlin, Leary, Lincoln, Logan, McClurken, McDonald, McGinnis, Munsell, Murphy of Cook, Murphy of Perry, Odam, Parsons, Ross, Scott, Thornton, West, White, Wilson, and Mr. Speaker—43.

Those who voted in the negative, are,

Messrs. Baldwin, Barnett, Bentley, Canady, Cox, Crain, Cunningham, Drummond, Emmerson, Froman, Funk, Green, Kitchell, Lester, McLean, Minshall, Olds, Oliver, Parkinson, Phillips, Threlkeld, Troy, Trumbull, Waters, Wheeler, Woodson, and Wood—27.

On motion of Mr. Ross,

The bill for "An act to repeal all acts authorizing the prosecution of the Internal Improvement System" was taken up for consideration.

And the question being put on agreeing to the amendment proposed by Mr. Munsell, to the bill,

It was decided in the negative by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Barnett, Bentley, Busey, Canady, Carpenter, Cavarly, Court-right, Cox, Dollins, Emmerson, English, Froman, Funk, Humphrey, Kitchell, Laughlin, Lester, McClurken, McDonald, McGinnis, Munsell, Odam, Olds, Oliver, Parkinson, Parsons, Phillips, Threlkeld, Troy, Waters, Webb, Wheeler, Wilson, Woodson, and Wood—35.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Baldwin, Beall, Bennett, Bissell, Bradford, Brown of Sangamon, Brown of Vermilion, Crain, Cunningham, Darnielle, Denny, Dodge, Dougherty, Drummond, Dunlap, Edwards, Francis, Gillespie, Green, Henderson, Hull, Leary, Lincoln, Logan, McLean, Minshall, Murphy of Cook, Murphy of Perry, Ross, Scott, Thornton, Trumbull, West, White, and Mr. Speaker—37.

Mr. Dougherty moved to amend the bill by striking out all after the enacting clause, and inserting the following:

"That the Governor shall execute State bonds in sums of one thousand dollars each, amounting to five hundred thousand dollars, which shall be denominated Illinois Central Railroad Bonds, to be redeemed in the year 1880, signed by the Governor and countersigned by the Auditor of Public Accounts, and certified by the Secretary of State, with the seal of State affixed thereto, bearing six per cent. interest per annum, payable every six months; which bonds the Governor shall deliver to the Fund Commissioner as soon as convenient after the passage of this act.

"SEC. 2. It shall be the duty of the Fund Commissioner, on the receipt of said bonds, to offer the same for sale, and sell the same for cash at par value, and appropriate the same to the construction of the Central Railroad, commencing at the city of Cairo, and finish the same as he shall progress in its completion from said city, so as not to have under contract and not completed more than twenty miles at any one time. For which purpose he shall appoint one competent engineer, whose salary shall not exceed the sum of fifteen hundred dollars per annum.

"SEC. 3. All railroad iron which is to be received by the State, and not yet landed in this State, and such other railroad iron in this State belonging to the System of Internal Improvements, and not otherwise employed, shall be carried to Cairo, and used in the construction of the Central Railroad; also, the larger of the two locomotives now on the Meredosia line, when the same is required for use, shall be removed to Cairo, and shall be used on the Central Railroad.

"SEC. 4. That the engineer herein to be appointed by the Fund Commissioner, under the directions of the Fund Commissioner, shall let to contract and prosecute to completion said road in all respects as provided by the act to create and sustain a general system of Internal Improvements, unless as is herein otherwise provided.

"SEC. 5. For the payment of the interest accruing on, and final redemption of, the bonds herein provided for, the Central Railroad, and the tolls thereof, and forty thousand acres of land entered by and now belonging to this State along the line of said road, together with the faith and credit of this State, is hereby irrevocably pledged."

Mr. Trumbull moved to lay the proposed amendment on the table.

Mr. Dougherty demanded a call of the House.

And the roll being called over,

On motion of Mr. Ross,

Further proceedings under the call of the House were dispensed with,

And the question being put on laying the proposed amendment on the table,

It was decided in the affirmative by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Baldwin, Barnett, Beall, Bennett, Bentley, Bissell, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Carpenter, Cavarly, Courtright, Cox, Cunningham, Darnielle, Denny, Dollins, Drummond, Dunlap, Edwards, Emmerson, English, Francis, Froman, Funk, Gillespie, Green, Hull, Humphrey, Kitchell, Laughlin, Lester, Lincoln, McClurken, McGinnis, Minshall, Munsell, Murphy of Perry, Odam, Olds, Parkinson, Parsons, Phillips, Ross, Thornton, Threlkeld, Troy, Trumbull, Waters, Webb, West, Wheeler, Wilson, and Woodson—58.

Those who voted in the negative, are,

Messrs. Crain, Dougherty, Henderson, Logan, McLean, Murphy of Cook, Scott, White, Wood, and Mr. Speaker—10.

And the question being put on agreeing to the amendment reported by Mr. Dougherty, from the select committee,

It was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Beall, Bentley, Bissell, Busey, Carpenter, Courtright, Crain, Denny, Dougherty, Dunlap, Francis, Green, Hull, Humphrey, Laughlin, Logan, McGinnis, McLean, Murphy of Perry, Odam, Scott, Wood and Mr. Speaker—23.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Baldwin, Barnett, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Cavarly, Cox, Cunningham, Darnielle, Dollins, Drummond, Edwards, Emmerson, English, Froman, Funk, Gillespie, Henderson, Kitchell, Lester, Lincoln, McClurken, McDonald, Minshall, Munsell, Olds, Oliver, Parkinson, Parsons, Phillips, Ross, Thornton, Threlkeld, Troy, Trumbull, Waters, Webb, West, Wheeler, Wilson, and Woodson—45.

Mr. Webb moved to amend the first section of the bill, by inserting the word "further" before the word "prosecution," in the seventh line.

Mr. Logan moved to refer the bill to the Committee on Internal Improvements; which was not agreed to.

Mr. Olds moved to lay the amendment proposed by Mr. Webb on the table; which was not agreed to.

Mr. Logan moved to lay the bill and amendment on the table; which was not agreed to.

When the amendment proposed by Mr. Webb was agreed to.

Mr. Henderson moved to amend the 4th section of the bill, by inserting after the word "Treasurer," in the first line, the following:

"Be required to deliver over all books and other papers appertaining to the office of the late Board of Public Works to the Fund Commissioner."

And after the word "State," in the same line, insert the words—

"And the Fund Commissioner;" which,

On motion of Mr. Henderson,

Was laid on the table.

Mr. Dollins moved to amend the bill by adding the following to the 4th section of the bill:

"On such terms and credits as he shall deem advisable for the best interests of the State;"

Which was agreed to.

On motion of Mr. Edwards,

The sixth section of the bill was amended by striking out before the figures "1839" inclusive, and inserting as follows:

"So much of any act of this State as authorizes any person to obtain an assessment for the right of way on any of said works is hereby repealed."

When the bill was ordered to be engrossed by ayes and noes, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Baldwin, Beall, Bennett, Bissell, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Cavarly, Cox, Cunningham, Darnielle, Denny, Dollins, Drummend, Dunlap, Edwards, Emmerson, English, Francis, Froman, Funk, Gillespie, Green, Humphrey, Kitchell, Laughlin, Leary, Lester, Lincoln, McClurken, McDonald, Minshall, Munsell, Odam, Olds, Oliver, Parkinson, Parsons, Phillips, Ross, Thornton, Threlkeld, Troy, Trumbull, Webb, West, Wheeler, Wilson, and Woodson—53.

Those who voted in the negative, are,

Messrs. Bentley, Crain, Dougherty, Henderson, Hull, Logan, McGinnis, McLean, Murphy of Perry, Scott, White, Wood, and Mr. Speaker—13.

On motion of Mr. Henderson,

The bill for "An act to locate the county seat of Stark, and to make a certain addition to said county," was taken up for consideration.

And the question being put on concurring with the Senate in their amendments to the bill,

It was decided in the negative.

Ordered, That the Clerk inform the Senate thereof.

Mr. Murphy, of Perry, on leave, introduced a bill for

"An act to authorize school commissioners and township treasurers to purchase real estate sold on execution for moneys due the school fund;"

Which was read the first and second time by its title, and referred to the Committee on Education.

Mr. Henderson, on leave, introduced a bill for "An act to repeal the revenue laws;"

Which was read the first and second time by its title, and referred to the Committee on Banks and Corporations.

Mr. Henderson, on leave, introduced a bill for "An act to dispose of the canal and its lands to pay its honest debts;" which was read the first and second time by its title, and referred to the Committee on Canals and Canal Lands.

Mr. White, on leave, introduced a bill for "An act to repeal the militia law;" which was read the first and second times by its title, and ordered to be engrossed.

On motion of Mr. Webb,

Senate bill for "An act to provide for the payment of certain debts due



"from the State to the Banks," was taken up for consideration, read the third time, and

Mr. Trumbull moved to lay the same on the table;

Which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Bentley, Bissell, Carpenter, Cavarly, Crain, Dollins, Drummond, Edwards, English, Green, Henderson, Humphrey, Kitchell, Laughlin, Leary, Lester, McClurken, McDonald, Munsell, Olds, Oliver, Parsons, Ross, Scott Thornton, Trumbull, Wheeler, White, and Wilson—30.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Cox, Cunningham, Darnielle, Denny, Dougherty, Dunlap, Emmerson, Francis, Froman, Funk, Gillespie, Hull, Lincoln, Logan, McLean, Minshall, Murphy of Perry, Parkinson, Phillips, Threlkeld, Troy, Webb, West, Woodson, Wood, and Mr. Speaker—34.

Mr. Trumbull demanded a call of the House.

And the roll being partially called,

On motion of Mr. Webb,

Further proceedings under the call were dispensed with; and,

On motion of Mr. Webb,

The bill under consideration was laid on the table.

Mr. Drummond, on leave, introduced bills of the following titles:

"An act to establish the Galena Coal and Transportation Company;"

"An act to establish the first Congregational Society of Buffalo Grove;"

"An act to amend an act to establish Circuit Courts; approved, Feb. 23, 1841;"

Which were severally read the first and second times by their titles, and informally laid aside.

Mr. Ross, on leave, introduced a bill for "An act to make school commissioners elective by the people;" which was read the first and second times by its title, and referred to a select committee.

*Ordered*, That Messrs. Ross, Edwards, and Green, be said committee.

Mr. Archer, on leave, introduced a bill for "An act to amend an act concerning mills and millers;" which was read the first and second times by its title, and referred to a select committee.

*Ordered*, That Messrs. Archer, Munsell, and Froman, be said committee; when,

On motion,

The House adjourned.

#### THURSDAY, FEBRUARY 25, 1841.

House met pursuant to adjournment.

Mr. Murphy of Perry, from the select committee to which was referred the bill for "An act making provision for organizing and maintaining common schools," reported the same back to the House with amendments; which were read, and

Mr. Archer moved to lay the bill and amendments on the table.

Which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bennett, Bradford, Brown of Sangamon, Canady, Dar-

nielle, Dunlap, Francis, Kitchell, Lincoln, Minshall, Parkinson, Phillips, Troy, Webb, West, and Wilson—17.

Those who voted in the negative, are,

Messrs. Bailey, Baldwin, Barnett, Bentley, Bissell, Blackman, Busey, Carpenter, Cavarly, Courtright, Cox, Crain, Cunningham, Dodge, Dollins, Dougherty, Drummond, Emmerson, English, Froman, Funk, Green, Hankins, Henderson, Hicks, Hull, Humphrey, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, McLean, Marshall, Munsell, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Ross, Scott, Shepley, Threlkeld, Trumbull, Turney, Waters, Wheeler, White, Woodson, Wood, and Mr. Speaker—57.

Mr. White demanded the previous question; which was sustained.

And the question being put, on concurring with the committee in their amendments to the bill,

It was decided in the negative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Bennett, Bissell, Bradford, Brown of Sangamon, Brown of Vermilion, Cox, Darnielle, Drummond, Edwards, Francis, Gillespie, Hardin, Kitchell, Lincoln, Minshall, Munsell, Parkinson, Peck, Reynolds, Ross, Thornton, Troy, Webb, West, Wilson, Woodson, and Wood—29.

Those who voted in the negative, are,

Messrs. Baldwin, Barnett, Bentley, Blackman, Busey, Canady, Carpenter, Courtright, Crain, Cunningham, Dollins, Dunlap, Emmerson, English, Froman, Funk, Green, Hankins, Henderson, Hicks, Hull, Humphrey, Kelly, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, McLean, Marshall, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Phillips, Scott, Shepley, Threlkeld, Trumbull, Turney, Waters, Wheeler, White, and Mr. Speaker—50.

And the question being put on ordering the bill to a third reading,

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Barnett, Bentley, Blackman, Busey, Carpenter, Courtright, Crain, Cunningham, Dollins, Dougherty, Dunlap, Emmerson, English, Francis, Froman, Funk, Green, Hankins, Henderson, Hicks, Hull, Humphrey, Kelly, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, McGinnis, McLean, Marshall, Munsell, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Phillips, Ross, Scott, Shepley, Threlkeld, Trumbull, Turney, Waters, Wheeler, White, Wood, and Mr. Speaker—54.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Bennett, Bissell, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Cox, Darnielle, Drummond, Edwards, Gillespie, Hardin, Kitchell, Lincoln, Minshall, Parkinson, Peck, Reynolds, Thornton, Troy, Webb, West, and Wilson—24.

When,

On motion of Mr. Trumbull,

The rule of the House was dispensed with, and the bill now read the third time by its title, and passed.

Ordered, That the title be as aforesaid, and that the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have also concurred with them in the passage of bills of the following titles, viz:

"An act authorizing the mutual conveyance of certain lots by and between the Auditor of Public Accounts and J. Whitney;"

"An act to define the corporate limits of the town of Lacon, and to vacate the plat of the town of Auburn;"

"An act in relation to certain mill-dams on Big Muddy, in Jasper and Clay counties;"

"An act creating an additional Justice's precinct in Johnson county;"

"An act to locate a State road therein named;"

"An act to amend an act to incorporate the city of Chicago," approved the fourth day of March, one thousand eight hundred and thirty-seven, and for other purposes;

"An act to authorize Philo M. Knapp to enclose certain streets and alleys in Little's addition to the town of Canton;"

"An act to legalize certain proceedings of the inhabitants and trustees of schools for town 35, north of range 10 east, in Will county;"

"An act to authorize Stanton Prentiss to establish a ferry across the Mississippi river;"

"An act to locate a State road;"

"An act supplemental to an act for the formation of the county of Mason;"

"An act to change the name of certain persons;"

"An act to authorize Solomon Husalton to build a dam across the Little Wabash river, and for other purposes;" and

"An act for the relief of the late collector of Fulton county."

They have refused to order to a second reading, bills of the following titles, viz:

"An act to repeal an act therein named;" and

"An act authorizing the Governor to order special elections for Congress in the event of an extra session before the first Monday of August."

They have indefinitely postponed the consideration of the bill, entitled "An act to incorporate the Union Turnpike Company."

They have concurred with the House of Representatives in their amendment to the Senate amendment to a bill, entitled "An act to extend the location of the Darwin and Charleston Turnpike from Charleston to Springfield."

Mr. Crain, from the committee on Engrossed bills, reported as correctly engrossed, bills of the following titles, viz:

A bill for "An act to incorporate the Rockford and Chicago Railroad Company;"

A bill for "An act to change the boundary lines of Menard county;"

A bill for "An act to amend an act authorizing the county commissioners' court to construct certain roads in Greene county;"

A bill for "An act in relation to the redemption of lands and lots sold for taxes in the city of Chicago;" and

"An act concerning the State Bank of Illinois."

Mr. Bentley presented the memorial of citizens of Bond county in relation to increase of taxation, and asked for its reading;

And the memorial being partially read,

On motion of Mr. McClernand,

Further reading of the petition was dispensed with, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bailey, Beall, Bennett, Bissell, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Carpenter, Courtright, Cox, Crain, Darnielle, Dodge, Dollins, Dougherty, Dunlap, Emmer-son, Francis, Henderson, Humphrey, Kelly, Laughlin, Lincoln, Logan, McClernand, McClurken, McDonald, McGinnis, Marshall, Minshall, Mur-phy of Cook, Murphy of Perry, Oliver, Parkinson, Parsons, Peck, Phil-lips, Reynolds, Ross, Scott, Shepley, Thornton, Turney, Waters, Webb, West, White, and Wood—46.

Those who voted in the negative, are,

Messrs. Archer, Baldwin, Barnett, Bentley, Cavarly, Cunningham, Drummond, Edwards, English, Froman, Funk, Gillespie, Green, Hankins, Hardin, Hicks, Hull, Kitchell, Leary, Lester, McLean, Munsell, Odam, Olds, Ormsbee, Threlkeld, Troy, Trumbull, Wheeler, Wilson, Woodson, and Mr. Speaker—32.

And the memorial was referred to the committee on Finance.

Mr. Woodson, from the committee on Internal Improvements, to which was referred the bill for An act to authorize the "Mount Carmel and Alton Railroad Company to construct the Southern Cross Railroad," reported the same back to the House without amendment, when the bill was

*Ordered* to a third reading.

Mr. Murphy of Perry, from the committee on Education, to which was referred sundry petitions, reported the same back to the House and was discharged from the further consideration of the same.

Mr. Henderson, from the committee on Canals and Canal Lands to which was referred the bill for "An act to dispose of the canal and its lands to pay its honest debts," reported the same back to the House with amend-ments; which were read and concurred in, and the bill

*Ordered* to a third reading.

And the rules of the House being dispensed with, the bill was now read the third time by its title, and passed; and,

On motion of Mr. Henderson,

The title was amended so as to read as follows: "An act in relation to the duties of the clerks of the county commissioners' courts of Bureau, Pe-oria, and Stark."

*Ordered*, That the title be as amended, and that the Clerk inform the Senate thereof, and ask their concurrence in its passage.

Mr. Murphy of Perry, from the committee on Education, to which was referred sundry resolutions, reported the same back to the House, and was discharged from the further consideration of the same.

Mr. Peck, from the committee on Finance, to which was referred the Senate bill for "An act in relation to pedlars," reported the same back to the House without amendment, when the bill was read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence in the amendments thereto.

Mr. McClernand, from the committee on Canals and Canal Lands, to which was referred the Senate bill for "An act authorizing the Canal Com-missioners to sell land in certain cases," reported the same back to the

House with amendments, which were read and concurred in, when the bill was read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence in the amendments thereto.

Mr. Dougherty, from the committee on the Judiciary, to which was referred a resolution in relation to the conduct of the Fund Commissioner," made a report; which was read, and,

On motion of Mr. Cavarly,

Laid on the table.

Mr. Cavarly, also from the same committee, made a report on the same subject, which, without reading, on his motion, was laid on the table.

Engrossed bill for "An act concerning the State Bank of Illinois," was read the third time, and

Mr. Hardin moved to amend the bill by adding the following as an additional section, viz:

"SEC. —. The charter of said Bank shall expire in five years after the passage of this act, any thing in the original charter to the contrary notwithstanding."

Mr. Gillespie moved to amend the amendment by striking out all after the word "the" and inserting as follows:

"That the Legislature shall have the power of reinstating the twenty-fifth section of the act creating the Bank of the State of Illinois, at any time they may think the public interest will require it."

Mr. Lincoln demanded the previous question; which was not sustained by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Barnett, Bentley, Blackman, Busey, Courtright, Cox, Crain, Dollins, Dunlap, Emmerson, Froman, Hankins, Humphrey, Kelly, Leary, Lincoln, Logan, McDonald, McGinnis, Marshall, Minshall, Olds, Parsons, Phillips, Threlkeld, Turney, Waters, Webb, West, Wheeler, White, Wood, and Mr. Speaker—34.

Those who voted in the negative, are,

Messrs. Bailey, Baldwin, Beall, Bennett, Bissell, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Carpenter, Cavarly, Cunningham, Darnielle, Dodge, Dougherty, Drummond, Edwards, English, Francis, Funk, Gillespie, Green, Hardin, Henderson, Hicks, Hull, Kitchell, Laughlin, Lester, McClernand, McClurken, McLean, Munsell, Murphy of Cook, Murphy of Perry, Odam, Ormsbee, Parkinson, Peck, Reynolds, Ross, Scott, Thornton, Troy, Trumbull, Wilson, and Woodson—17.

When,

On motion of Mr. Trumbull,

The bill and proposed amendment was laid on the table, and

Mr. Trumbull offered for adoption the following rule:

"*Resolved*, That the rule requiring a vote of two-thirds to amend a bill upon its passage, be rescinded;" which was agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bailey, Baldwin, Barnett, Bennett, Bissell, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Cavarly, Cox, Crain, Cunningham, Darnielle, Dodge, Dollins, Drummond, English, Froman, Funk, Hankins, Hardin, Henderson, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Lincoln, McClernand, McClurken, McDonald, Marshall,

Minshall, Munsell, Murphy of Cook, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Phillips, Ross, Scott, Thornton, Threlkeld, Troy, Trumbull, Turney, Webb, West, Wheeler, White, Wilson, and Woodson—58.

Those who voted in the negative, are,

Messrs. Beall, Blackman, Busey, Carpenter, Courtright, Dougherty, Dunlap, Edwards, Emmerson, Francis, Gillespie, Green, Logan, McGinnis, McLean, Murphy of Perry, Reynolds, Waters, Wood, and Mr. Speaker—20.

When,

On motion of Mr. Trumbull,

The bill for "An act concerning the State Bank of Illinois," was again taken up for consideration,

And Mr. Cavarly moved to lay the proposed amendments on the table, And a division of the question being demanded,

The amendment proposed by Mr. Gillespie was laid on the table;

And the question being put on laying the amendment proposed by Mr. Hardin, on the table,

It was decided in the negative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Beall, Bennett, Bentley, Busey, Carpenter, Cavarly, Courtright, Dougherty, Drummond, Dunlap, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Green, Henderson, Hull, Laughlin, Logan, McDonald, McGinnis, Murphy of Perry, Odam, Oliver, Phillips, Reynolds, Shepley, Waters, White, and Wood—32.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Baldwin, Barnett, Bissell, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Cox, Crain, Cunningham, Dodge, Dollins, English, Hankins, Hardin, Hicks, Humphrey, Kelly, Kitchell, Leary, Lester, Lincoln, McClernand, McClurken, McLean, Marshall, Minshall, Munsell, Murphy of Cook, Olds, Ormsbee, Parkinson, Parsons, Peck, Ross, Scott, Thornton, Threlkeld, Troy, Trumbull, Turney, Webb, West, Wheeler, Wilson, Woodson, and Mr. Speaker—50.

Mr. Wheeler moved the previous question; which was sustained;

And the question being put on agreeing to the amendment proposed by Mr. Hardin,

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bailey, Baldwin, Barnett, Bissell, Blackman, Brown of Sangamon, Brown of Vermilion, Crain, Cunningham, Dodge, Dollins, English, Hankins, Hardin, Hicks, Kelly, Kitchell, Leary, Lester, Lincoln, McClernand, McClurken, McDonald, McLean, Marshall, Minshall, Munsell, Murphy of Cook, Olds, Oliver, Peck, Ross, Thornton, Troy, Trumbull, Turney, Webb, Wheeler, Wilson, Woodson, and Mr. Speaker—41.

Those who voted in the negative, are,

Messrs. Archer, Beall, Bennett, Bradford, Busey, Carpenter, Cavarly, Courtright, Cox, Dougherty, Drummond, Dunlap, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Green, Henderson, Hull, Laughlin, Logan, Murphy of Perry, Odam, Ormsbee, Parkinson, Phillips, Reynolds, Scott, Threlkeld, Waters, West, White, and Wood—35.

And the question being put on the passage of the bill,

It was decided in the negative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Brown of Sangamon, Brown of Vermilion, Canady, Cox, Cunningham, Emmerson, Leary, McLean, Minshall, Threlkeld, Webb, Woodson, Wood, and Mr. Speaker—14.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Baldwin, Barnett, Beall, Bennett, Bissell, Blackman, Bradford, Busey, Carpenter, Cavarly, Courtright, Crain, Darnielle, Dodge, Dollins, Dougherty, Drummond, Dunlap, Edwards, English, Francis, Froman, Funk, Gillespie, Green, Hankins, Hardin, Henderson, Hicks, Hull, Kelly, Kitchell, Laughlin, Lester, Lincoln, Logan, McClernand, McClurken, McDonald, Marshall, Munsell, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parkinson, Parsons, Peck, Phillips, Reynolds, Ross, Scott, Thornton, Troy, Trumbull, Waters, West, Wheeler, White, and Wilson—63.

When,

On motion,

The House adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

On motion of Mr. Parsons,

The bill for "An act to provide for levying taxes for school purposes, in Griggsville, Pike county," was taken up for consideration, read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Senate bill for "An act to change the time of holding courts in the third Judicial Circuit," was read the first time, and the second and third times by its titles, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Senate bill for "An act further defining the duties of Attorney General, and for other purposes," was read the first and second times, and the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof.

Mr. Crain, from the committee on Enrolled Bills, reported as correctly enrolled, bills of the following titles, viz:

A bill for "An act to exempt certain articles from execution;"

A bill for "An act to locate a State road from Urbana in Champaign county, by way of North Bend, to Marion, in De Witt county;"

A bill for "An act to amend the several acts in relation to Constables;"

A bill for "An act to authorize Henry Hand to keep a ferry across Rock river;" and

A bill for "An act creating a Board of Auditors to settle the accounts of contractors on public works."

Mr. Hardin moved the re-consideration of the vote on the passage of the bill for "An act concerning the State Bank of Illinois;" which was agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Charles, Courtright, Cox, Cunningham, Dollins, Dougherty, Dunlap, Edwards, English, Francis, Froman, Green, Hardin, Henderson, Hull, Leary, Logan, McDonald, McGinnis, McLean, Minshall, Murphy of Perry, Ormsbee, Parsons, Phillips, Reynolds, Scott, Thornton, Threlkeld, Troy, Waters, Webb, West, Woodson, Wood, and Mr. Speaker—44.

Those who voted in the negative, are,

Messrs. Baldwin, Barnett, Bentley, Bissell, Blackman, Busey, Cavarly, Crain, Darnielle, Dodge, Drummond, Emmerson, Funk, Kelly, Kitchell, Lester, Lincoln, McClernand, McClurken, Marshall, Munsell, Olds, Oliver, Parkinson, Ross, Trumbull, Turney, Wheeler, White, and Wilson—30.

And Mr. Brown of Vermilion moved the reference of the bill to a select committee of five; which was agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bailey, Baldwin, Barnett, Beall, Bennett, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Carpenter, Cavarly, Courtright, Cox, Cunningham, Darnielle, Dollins, Dougherty, Dunlap, Emmerson, Francis, Gillespie, Green, Hardin, Henderson, Hull, Leary, Logan, McGinnis, McLean, Marshall, Minshall, Munsell, Murphy of Perry, Ormsbee, Parkinson, Parsons, Phillips, Reynolds, Scott, Thornton, Threlkeld, Waters, Webb, West, White, Woodson, and Mr. Speaker—49.

Those who voted in the negative, are,

Messrs. Archer, Bentley, Bissell, Crain, Dodge, Drummond, Edwards, English, Froman, Funk, Kelly, Kitchell, Laughlin, Lester, McClernand, McClurken, McDonald, Odam, Olds, Oliver, Ross, Trumbull, Turney, Wheeler, Wilson, and Wood—26.

*Ordered*, That Messrs. Brown of Vermilion, Murphy of Perry, Logan, Gillespie, and Leary be said committee.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that they have concurred with them in the passage of bills of the following titles, viz:

“An act to provide for leasing the Saline reserve lands in Jackson county, and for granting a pre-emption right to certain persons therein named;”

“An act supplemental to an act to establish Circuit Courts;”

“An act to incorporate the St. Clair Railroad Company;”

“An act in relation to State House Commissioners;”

“An act to locate a State road in Fulton county;”

“An act to enable purchasers of real estate to ascertain whether the same is free from incumbrances, and to prevent secret liens of attachments and executions;”

“An act relating to the recording or registering of conveyances or other instruments in writing, executed out of this State, and within the United States;”

“An act to authorize the county commissioners' clerk of Du Page to keep his office as at present located;”

“An act to amend an act creating the Exeter Manufacturing Company;”



"An act to authorize the county commissioners of Tazewell county to lease certain offices;"

"An act to establish the Kishwaukee Ferry Company;" and

"An act to extend the corporate powers of the corporation of Beardstown."

They have concurred with the House of Representatives in the passage of a bill, entitled "An act requiring the county commissioners' court of Edgar county to establish an additional election precinct in said county," as amended by them.

In which amendment they ask the concurrence of the House of Representatives.

They amend the title of said bill by adding the following, to wit: "and an act supplemental to an act to extend the Charleston and Darwin Turnpike from Charleston to Springfield."

In which they also ask the concurrence of the House of Representatives.

They have refused to order to a second reading a bill from the House of Representatives, entitled "An act to amend an act, entitled 'An act concerning minors, or orphans, and guardians.'"

They have passed bills of the following titles, to wit:

"An act to incorporate the Naperville Academy;"

"An act for the benefit of the persons therein named;"

"An act supplemental to an act, entitled 'An act to authorize the trustees of Shawneetown to construct a Macadamized road;"

"An act to incorporate the Illinois and Missouri Bridge Company;"

"An act to establish a ferry across the Illinois river in Grundy county;" and

"An act to authorize the Fund Commissioner to compound for and adjust demands in favor of the State."

In which they ask the concurrence of the House of Representatives.

On motion of Mr. Webb,

The bill for "An act to provide for the payment of certain debts due from the State to the Banks," was taken up for consideration,

And Mr. Webb moved to amend the bill, as follows:

In 2d section, 2d and 3d lines, strike out the words "and after the settlement provided by law with the State Bank."

In 2d section, line 8, strike out the words "and the State Bank of Illinois."

In 3d section, lines 3 and 4, strike out the words "banks, or either of them" and insert "bank."

In 4th section, line 2, strike out the words "banks respectively," and insert "bank;" which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Bissell, Blackman, Dodge, Dunlap, Edwards, English, Francis, Hull, Kelly, Lincoln, McClernand, McClurken, McDonald, McLean, Odam, Olds, Oliver, Ormsbee, Peck, Phillips, Reynolds, Ross, Scott, Shepley, Threlkeld, Trumbull, Turney, Waters, Webb, and Wood—31.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bentley, Bradford, Brown of Sangamon, Busey, Canady, Cavarly, Courtright, Cox, Crain, Darnielle, Dougherty, Drummond, Emmerson, Froman, Green, Hardin, Henderson, Kitchell, Laughlin, Lester, McGinnis, Minshall, Munsell, Parkinson, Troy, West, Wheeler, Wilson, Woodson, and Mr. Speaker—34.

And the question being put on the passage of the bill,

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Bennett, Blackman, Bradford, Brown of Sangamon, Cavarly, Courtright, Darnelle, Dollins, Dougherty, Drummond, Dunlap, Edwards, Emmerson, Francis, Funk, Green, Hardin, Henderson, Hull, Lincoln, McGinnis, McLean, Minshall, Munsell, Murphy of Cook, Odam, Parkinson, Peck, Phillips, Reynolds, Scott, Threlkeld, Troy, Waters, Webb, West, Woodson, and Wood—41.

Those who voted in the negative, are;

Messrs. Baldwin, Bentley, Bissell, Busey, Canady, Cox, Crain, Cunningham, Dodge, English, Froman, Kelly, Kitchell, Laughlin, Lester, McClernand, McClurken, McDonald, Olds, Oliver, Ormsbee, Parsons, Ross, Trumbull, Turney, Wheeler, and Wilson—27.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof.

The bill for "An act to provide for the payment of the interest on the State debt," coming up for consideration,

Mr. Kitchell demanded a call of the House,

And the roll being called over, it appeared the following members were absent, viz:

Messrs. Barnett, Brown of Vermilion, Carpenter, Charles, Gillespie, Hankins, Hicks, Leary, Logan, Marshall, Shepley, Thornton, and White.

And pending the call of the House;

The Senate bill for "An act requiring the Secretary of State and State Treasurer to take charge of the public buildings, and for other purposes," was read the first time, and the second time by its title, and laid aside informally;

When the Doorkeeper reported, and the House resumed the consideration of the bill for "An act to provide for the payment of the interest on the public debt," and before any action was had on the bill,

It was laid aside informally;

And Mr. Brown of Vermilion, from the select committee of five, to which was referred the bill for "An act concerning the State Bank," reported the same back to the House with amendments; which were read,

And Mr. Gillespie demanded the previous question; which was sustained, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Barnett, Beall, Bennett, Bentley, Blackman, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Carpenter, Courtright, Cox, Cunningham, Darnelle, Dougherty, Dunlap, Edwards, Emmerson, Froman, Funk, Gillespie, Green, Humphrey, Leary, Lincoln, Logan, McDonald, McGinnis, Minshall, Munsell, Murphy of Perry, Odam, Parkinson, Phillips, Reynolds, Scott, Threlkeld, Troy, Waters, Webb, West, Woodson, Wood, and Mr. Speaker—46.

Those who voted in the negative, are,

Messrs. Baldwin, Bissell, Bradford, Cavarly, Crain, Dodge, Dollins, Drummond, English, Francis, Hardin, Henderson, Hicks, Hull, Kelly, Kitchell, Laughlin, Lester, McClernand, McClurken, McLean, Marshall, Murphy of Cook, Olds, Oliver, Ormsbee, Parsons, Peck, Ross, Thornton, Trumbull, Turney, Wheeler, and Wilson—34.

And the question being put on concurring with the committee in their amendments to the bill,

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bentley, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Carpenter, Cavarly, Courtright, Cox, Cunningham, Darnielle, Dunlap, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Green, Hardin, Henderson, Hull, Laughlin, Leary, Lincoln, Logan, McGinnis, Minshall, Murphy of Perry, Odam, Parkinson, Parsons, Phillips, Reynolds, Scott, Threlkeld, Troy, Waters, West, Woodson, and Mr. Speaker—45.

Those who voted in the negative, are,

Messrs. Baldwin, Barnett, Bissell, Blackman, Busey, Crain, Dodge, Dollins, Drummond, English, Hicks, Kelly, Kitchell, Lester, McClernand, McClurken, McDonald, McLean, Marshall, Munsell, Murphy of Cook, Olds, Oliver, Ormsbee, Peck, Ross, Thornton, Trumbull, Turney, Webb, Wheeler, White, Wilson, and Wood—34.

And the question being put on the passage of the bill,

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Carpenter, Cavarly, Courtright, Cox, Cunningham, Darnielle, Dunlap, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Green, Hardin, Henderson, Hull, Laughlin, Leary, Logan, McGinnis, Minshall, Murphy of Perry, Odam, Parkinson, Phillips, Reynolds, Scott, Threlkeld, Waters, West, Woodson and Mr. Speaker—43.

Those who voted in the negative, are,

Messrs. Baldwin, Barnett, Bentley, Bissell, Blackman, Crain, Dodge, Dollins, Drummond, English, Hankins, Hicks, Kelly, Kitchell, Lester, Lincoln, McClernand, McClurken, McDonald, McLean, Marshall, Munsell, Murphy of Cook, Olds, Oliver, Ormsbee, Parsons, Peck, Ross, Thornton, Troy, Trumbull, Turney, Webb, Wheeler, White, Wilson, and Wood—38.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the the Senate thereof, and ask their concurrence therein.

When the bill for "An act to provide for the payment of interest on the public debt," was considered,

And the question being put on the passage of the bill,

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bissell, Bradford, Brown of Sangamon, Brown of Vermilion, Carpenter, Cavarly, Courtright, Darnielle, Dodge, Dollins, Dougherty, Edwards, English, Francis, Gillespie, Green, Hankins, Hardin, Henderson, Hull, Humphrey, Laughlin, Leary, Lincoln, Logan, Murphy of Cook, Murphy of Perry, Odam, Parsons, Peck, Reynolds, Ross, Webb, West, White, and Mr. Speaker—40.

Those who voted in the negative, are,

Messrs. Baldwin, Barnett, Bentley, Blackman, Busey, Canady, Cox, Crain, Cunningham, Drummond, Dunlap, Emmerson, Froman, Funk, Hicks, Kitchell, Lester, McClernand, McClurken, McDonald, McLean,

Minshall, Munsell, Olds, Oliver, Ormsbee, Parkinson, Phillips, Thornton, Threlkeld, Troy, Trumbull, Turney, Waters, Wheeler, Wilson, and Woodson—37.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Senate bill for "An act requiring the Secretary of State and State Treasurer to take charge of the public buildings, and for other purposes," was again considered,

And Mr. Dougherty moved to amend the bill, as follows:

"That the Fund Commissioner shall proceed forthwith to sell and dispose of all the property, both real and personal, belonging to the system of internal improvements, not wanted for immediate use on the Central Railroad, and Central Cross Railroad, on such terms as shall best advance the interests of this State, and apply the same or the proceeds thereof to the construction of the Central Railroad, commencing at the city of Cairo."

Mr. Ross moved to amend the proposed amendment, by striking out all that required the proceeds of the sale to be applied to the Central Railroad and insert "and apply the same to the payment of the interest on the public debt."

Mr. Trumbull moved to lay the proposed amendments on the table,

Mr. Dougherty demanded a division of the question;

And the question being put on laying the amendment proposed by Mr. Ross, on the table,

It was decided in the negative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bailey, Barnett, Crain, Dougherty, Gillespie, Hankins, Hardin, Hicks, Kitchell, Lincoln, Marshall, Murphy of Perry, Peck, Scott, Troy, Trumbull, Turney, Webb, White, Wood, and Mr. Speaker—21.

Those who voted in the negative, are,

Messrs. Baldwin, Bennett, Bentley, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Carpenter, Courtright, Cox, Cunningham, Dodge, Dollins, Drummond, Edwards, Emmerson, English, Francis, Froman, Green, Hull, Laughlin, Lester, Logan, McClermand, McDonald, McLean, Minshall, Munsell, Olds, Ormsbee, Parkinson, Phillips, Reynolds, Ross, Shepley, Thornton, Threlkeld, Wheeler, Wilson, and Woodson—42.

And the question being put on laying the amendment proposed by Mr. Dougherty, on the table,

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bailey, Baldwin, Barnett, Beall, Bentley, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Cavarly, Cox, Cunningham, Darnielle, Dunlap, Edwards, Emmerson, English, Francis, Froman, Funk, Gillespie, Green, Hardin, Hull, Kitchell, Laughlin, Lester, Logan, McDonald, McGinnis, McLean, Marshall, Minshall, Munsell, Murphy of Cook, Murphy of Perry, Olds, Ormsbee, Parkinson, Parsons, Phillips, Ross, Thornton, Threlkeld, Troy, Trumbull, Webb, Wilson, and Woodson—51.

Those who voted in the negative, are,

Messrs. Carpenter, Courtright, Crain, Dodge, Dollins, Dougherty,

Drummond, Hankins, Henderson, Hicks, Humphrey, Lincoln, Odam, Peck, Scott, Turney, White, Wood, and Mr. Speaker.—19.

When the bill was

*Ordered* to a third reading.

And the rules of the House being dispensed with, the bill was now read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Dodge moved that the House adjourn; which was not agreed to; when,

On motion of Mr. Trumbull,

The House adjourned until 7 o'clock, P. M., by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Baldwin, Bennett, Bentley, Bissell, Blackman, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Cavarly, Cunningham, Darnielle, Dollins, Drummond, Dunlap, Emmerson, Froman, Funk, Hardin, Henderson, Hull, Humphrey, Laughlin, Lincoln, Logan, McClurken, McGinnis, McLean, Marshall, Munsell, Murphy of Cook, Murphy of Perry, Olds, Oliver, Parkinson, Parsons, Peck, Scott, Thornton, Threlkeld, Troy, Trumbull, White, and Wilson—46.

Those who voted in the negative, are,

Messrs. Barnett, Beall, Bradford, Courtright, Cox, Crain, Dodge, Dougherty, Edwards, English, Francis, Gillespie, Hankins, Hicks, Kitchell, Lester, McClernand, McDonald, Minshall, Ormsbee, Phillips, Ross, Shepley, Turney, Waters, Webb, West, Wheeler, Wood, and Mr. Speaker—30.

So the House adjourned until 7 o'clock, P. M.

#### SEVEN O'CLOCK, P. M.

House met pursuant to adjournment.

On motion of Mr. Thornton,

The bill for "An act to amend an act establishing Circuit Courts," approved February 23d, 1841," was taken up for consideration, read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

On motion of Mr. Ormsbee,

The report of the Fund Commissioner in relation to the compensation of clerk to the Fund Commissioner, was taken up, and in connection with the subject,

Mr. Ormsbee moved the adoption of the following resolution:

*Resolved by the House of Representatives, the Senate concurring herein*, That the Fund commissioner pay the salary of Williamson Gatewood, as Secretary to the office of Fund Commissioner, out of any funds belonging to the system of internal improvements, and that the amount of said salary be the same as heretofore paid to him.

Mr. Ross moved to amend the resolution so as to make the compensation allowed to the Secretary of the Fund Commissioner not more than one thousand dollars; which was not agreed to; when the resolution was adopted.

Mr. Crain, from the committee on Enrolled Bills, reported that he had on this day laid before the Council of Revision, for their approval, bills of the following titles, viz:

A bill for "An act to exempt certain articles from execution;"

A bill for "An act to amend the several acts in relation to constables;"

A bill for "An act creating a Board of Auditors to settle the accounts of contractors on public works;"

A bill for "An act to locate a State road from Urbana, in Champaign county, by way of North Bend, to Marion, in De Witt county;" and

A bill for "An act to authorize Henry Hand to keep a ferry across Rock river;"

On motion of Mr. Lincoln,

The bill for "An act supplemental to the charter of the Springfield and Alton Turnpike Company," was taken up for consideration,

And the question being put on ordering the bill to be engrossed,

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Baldwin, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Carpenter, Courtright, Darnielle, Drummond, Edwards, Emmerson, Francis, Gillespie, Green, Hardin, Henderson, Hull, Leary, Lincoln, Logan, McClurken, McGinnis, McLean, Marshall, Menard, Minshall, Murphy of Cook, Murphy of Perry, Odam, Olds, Ormsbee, Parsons, Peck, Phillips, Reynolds, Scott, Thornton, Waters, Webb, West, White, Woodson, Wood, and Mr. Speaker—48.

Those who voted in the negative, are,

Messrs. Bentley, Canady, Cavarly, Cox, Crain, Cunningham, Dollins, Dougherty, Dunlap, English, Froman, Funk, Laughlin, Lester, McDonald, Munsell, Oliver, Ross, Threlkeld, Troy, Trumbull, Wheeler, and Wilson—23.

Engrossed bill for "An act to provide for letting the works of internal improvement to persons or companies, and for other purposes," was read the third time, and

Mr. Edwards moved to amend the bill by inserting between the words "works, and the word "and" in the 10th line of the 3d section as follows:

"But the amount to be contributed by the State, shall not be paid until the amount contributed by the said person or persons, company or companies, corporation or corporations shall have been actually paid and expended;" which was agreed to; when,

On motion of Mr. Ross,

The bill was laid on the table.

Senate bill for "An act to provide for the completion of that portion of the Northern Cross Railroad, from Springfield to Jacksonville, and for other purposes," was read the first time, and the second time by its title; when

Mr. Ormsbee moved to amend the bill as follows:

Amend the second section by the following proviso:

"*Provided*, That said Fund Commissioner shall advertise the time and place, when and where he will offer to let said contract, and the same shall be let to the lowest bidder of a responsible kind; payable in said State Bonds, with the express understanding that the State will furnish to said

contractors all the work done and materials heretofore prepared by any contractors and commissioners for the use of said road, and also that the State will furnish all iron necessary to finish said road, and that the State will furnish all necessary materials, instruments, and will pay the engineers to superintend the finishing of said road under the direction of said contractors. The Fund Commissioner shall have the exclusive possession and control of said road, and all fixtures and property appertaining in any manner to said road."

Add the following sections to the bill.

"SEC. 3. *Be it further enacted*, That for the purpose of finishing the branch of said road, H. W. Vansyckle, James A. McDougall, Francis G. Murray, Kennedy Lodwick, D. O. Gillett, and Murray McConnell, and their associates and successors may form a transporting company, by the name of the "Naples Transporting Line," and by that name may do all acts, and have all powers incidental to a corporation; may sue and be sued, contract and be contracted with, purchase, hold and convey property, and generally to do all acts in this capacity that natural persons may do. The capital stock of said company shall be ten thousand dollars, with power to increase the same, should said company find it necessary; said stock shall be divided into shares of fifty dollars each, and be transferable as personal property. Said company shall have power to finish and occupy the said branch, and to join the same irrevocably to the main road, and at such place, and in such manner as said company may deem proper, and use, occupy and run upon said road, and from said branch upon said main road, with any cars or other carriages suited to said main road, being subject to such proper rules and reasonable tolls as may be charged to others for the use of said road. Said company may have a common seal, and alter the same at pleasure; and for the purpose of transacting the business of said company, there may be chosen such officers by the stockholders as may be thought proper by them, which officers shall make such a system of by-laws, as may be proper, not conflicting with the laws and Constitution of the State, and may procure, if needed, in the name of the people of the State as provided by law, in case of public roads.

"SEC. 4. The said company shall be bound to surrender said branch road to the State, at the end of twenty years, from the passage of this act, when the State shall pay said company the amount which they may have expended in finishing the said road by its being surrendered up in good order to the State for use. *Provided*, That the said Fund Commissioner shall furnish to said company out of the railroad iron now belonging to the State, a sufficient quantity to finish said branch; the State being allowed the value of said iron, when said road shall be surrendered to the State as aforesaid.

"SEC. 5. Said company shall have the right to contract with the Fund Commissioner as provided in the second section of this act, for the finishing the said Northern Cross Railroad to Springfield, if said company will perform said work at as fair a price as shall be bid by any other responsible bidder; and in case the said company shall take said contract, one year shall be allowed to complete the same after the sale of said State Bonds. And the company may use said Northern Cross railroad, cars, engines, and locomotives for the purpose of transporting materials necessary to finish said road, and for other purposes; until said road and branch shall be com-

pleted. Said company shall pay all expenses in using said road, cars, and engines, and keeping them in repair, under the sole direction of said Fund Commissioner, or his authorized agent."

Mr. Cox moved to lay the amendment on the table,

Which was agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Baldwin, Beall, Bennett, Blackman, Bradford Brown of Sangamon, Brown of Vermilion, Busey, Canady, Carpenter, Cavarly, Courtright, Cox, Crain, Cunningham, Darnielle, Dollins, Dougherty, Drummond, Dunlap, Emmerson, English, Francis, Froman, Funk, Hardin, Hull, Laughlin, Leary, Lester, Lincoln, Logan, McDonald, McLean, Marshall, Menard, Munsell, Murphy of Cook, Murphy of Perry, Odam, Oliver, Ormsbee, Parkinson, Thornton, Threlkeld, Troy, Webb, West, Wheeler, White, and Woodson—53.

Those who voted in the negative, are,

Messrs. Bentley, Edwards, Green, Henderson, Parsons, Reynolds, Ross, Trumbull, Wilson, and Mr. Speaker—10.

Mr. Ormsbee moved to lay the bill on the table: which was not agreed to.

Mr. Wheeler demanded a call of the House, and the roll having been called over,

On motion of Mr. Woodson,

Further proceedings under the call of the House were dispensed with by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Baldwin, Beall, Bentley, Blackman, Bradford Brown of Sangamon, Brown of Vermilion, Busey, Canady, Carpenter, Cavarly, Cox, Darnielle, Dougherty, Dunlap, Edwards, Emmerson, Francis, Froman, Funk, Laughlin, Leary, Lester, Lincoln, Logan, Marshall, Murphy of Perry, Odam, Phillips, Thornton, Threlkeld, Troy, Trumbull, Webb, West, White, and Woodson—39.

Those who voted in the negative, are,

Messrs. Bennett, Courtright, Crain, Cunningham, Dollins, English, Green, Hardin, Henderson, Hull, McDonald, McLean, Menard, Munsell, Oliver, Ormsbee, Parsons, Ross, Wheeler, Wilson, and Mr. Speaker—21.

Mr. Ormsbee moved the following amendment:

"That ten thousand dollars shall be appropriated in like manner to complete the Naples branch of said road, and attach the same to the main line with like privileges, and for like use, as the State may provide for the main line."

Mr. Logan moved the previous question, and the yeas and nays; and no quorum voting,

On motion of Mr. Ross,

The House adjourned, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Bennett, Blackman, Brown of Vermilion, Canady, Cunningham, Dollins, Dunlap, Emmerson, English, Gillespie, Green, Hardin, Henderson, Hull, Laughlin, Lincoln, McDonald, Munsell, Murphy of Perry, Oliver, Ormsbee, Parkinson, Parsons, Phillips, Ross, Threlkeld, Webb, West, Wheeler, White, Wilson, Woodson, and Mr. Speaker—34.

Those who voted in the negative, are,



Messrs. Archer, Bailey, Beall, Bradford, Brown of Sangamon, Busey, Carpenter, Cavarly, Cox, Crain, Darnielle, Dougherty, Edwards, Francis, Froman, Funk, Hicks, Leary, Lester, Logan, McLean, Marshall, Menard, Odam, Thornton, Troy, and Trumbull—27.

So the House adjourned.

FRIDAY, FEBRUARY 26, 1841.

House met pursuant to adjournment.

House bill for "An act requiring the county commissioners' court of Edgar county to establish an additional election precinct in said county," was considered, and the Senate amendments thereto were read, and the House refused to concur with the Senate in their amendments; when,

On motion of Mr. Archer,

A committee of conference were appointed on the part of the House on the disagreeing vote on the above Senate amendment.

*Ordered*, That Messrs. Archer, White, and Brown of Sangamon be said committee.

*Ordered*, That the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Lincoln presented the petition of John Stuart; which, without reading, on his motion, was referred to a select committee.

*Ordered*, That Messrs. Lincoln, Woodson, and Threlkeld be said committee.

Mr. Crain, from the committee on Enrolled Bills, reported as correctly enrolled, bills of the following titles, viz:

A bill for "An act to apportion the representation of the several counties in this State;"

A bill for "An act to incorporate the Illinois Agricultural and Stock Association;"

A bill for "An act to authorize the re-location of the county seat of Clay county;"

A bill for "An act incorporating the Phoenix Insurance Company;"

A bill for "An act authorizing David and Samuel Mitchell to establish a ferry across the Mississippi river, at Albany, in Whiteside county;" and

A bill for "An act supplemental to an act to incorporate the Mount Carbon Coal Company, and to increase the capital of said company to one million of dollars, and for the purposes hereinafter mentioned."

Engrossed bills for "An act to incorporate the Rockford and Chicago Railroad Company;" and

"An act in relation to the redemption of lands and lots sold for taxes in the city of Chicago;"

Were severally read the third time, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Senate bill for "An act for the benefit of the persons therein named," was read the first time, and the second time by its title, and

*Ordered* to a third reading.

Senate bill for "An act to provide for the settlement of the accounts of

the State House Commissioners," was read the first time, and the second time by its title, and,

On motion of Mr. Hardin,

Amended by adding the following as an additional section:

"SEC. —. That the sum of seven thousand dollars be, and the same is hereby appropriated, towards the completion of the State House, to be expended under the superintendence of the Treasurer and Secretary of State;"

When the bill, as amended, was

*Ordered* to a third reading.

And the rules of the House being dispensed with, the bill was now read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence in the amendments thereto.

House bill for "An act to provide for the completion of that part of the Northern Cross Railroad from Springfield to Jacksonville, and for other purposes," coming up for consideration,

Mr. Wilson demanded a call of the House,

And the roll being called over, it appeared the following members were absent:

Messrs. Gillespie, Minshall, Shepley, Trumbull, and Wood.

And pending the call of the House,

Mr. Cavarly, from the committee on Canals and Canal Lands, to which was referred the bill for "An act for the relief of Justus Post," reported the same back to the House and recommended its passage; when the bill was informally laid aside, and,

On motion of Mr. Lincoln,

The bill for "An act for the early completion of the Illinois and Michigan Canal," was taken up for consideration,

And Mr. Lincoln moved to amend the bill by striking out all after the enacting clause and inserting a substitute; which was read,

And the Doorkeeper having reported under the call,

The House resumed the consideration of the bill for "An act to provide for the completion of that part of the Northern Cross Railroad from Springfield to Jacksonville, and for other purposes."

And the question being put on ordering the main question,

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Baldwin, Beall, Bentley, Bissell, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Cavarly, Courtright, Cox, Darnielle, Dollins, Dougherty, Dunlap, Francis, Froman, Funk, Gillespie, Hicks, Hull, Humphrey, Laughlin, Leary, Lincoln, Logan, Menard, Murphy of Cook, Murphy of Perry, Odam, Olds, Parkinson, Waters, Webb, West, and Mr. Speaker—40.

Those who voted in the negative, are,

Messrs. Barnett, Bennett, Crain, Cunningham, Dodge, Drummond, Emerson, English, Green, Hankins, Hardin, Kitchell, Lester, McClurken, McDonald, McGinnis, McLean, Munsell, Oliver, Ormsbee, Parsons, Peck, Phillips, Reynolds, Ross, Scott, Shepley, Thornton, Threlkeld, Turney, Wheeler, Wilson, and Wood—33.

And the question being put on agreeing to the amendment proposed by Mr. Ormsbee,

It was decided in the negative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bentley, Carpenter, Courtright, Dodge, Emmerson, English, Ormsbee, Parsons, Peck, Reynolds, Turney, Wilson, Wood, and Mr. Speaker—14.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Baldwin, Barnett, Bennett, Bissell, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Cavarly, Cox, Crain, Cunningham, Darnielle, Dollins, Dougherty, Drummond, Dunlap, Edwards, Francis, Froman, Funk, Gillespie, Green, Hankins, Hardin, Henderson, Hicks, Hull, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Lincoln, Logan, McClurken, McDonald, McGinnis, McLean, Marshall, Menard, Munsell, Murphy of Cook, Murphy of Perry, Odam, Oliver, Parkinson, Phillips, Ross, Scott, Thornton, Threlkeld, Troy, Webb, West, Wheeler, and White—61.

And the question being put on ordering the bill to a third reading,

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Barnett, Bissell, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Carpenter, Cavarly, Cox, Darnielle, Dollins, Dougherty, Drummond, Edwards, Francis, Froman, Gillespie, Green, Hardin, Henderson, Hicks, Hull, Humphrey, Laughlin, Leary, Lester, Lincoln, Logan, McClernand, McGinnis, McLean, Marshall, Menard, Murphy of Cook, Murphy of Perry, Odam, Parkinson, Parsons, Phelps, Reynolds, Troy, White, and Mr. Speaker—45.

Those who voted in the negative, are,

Messrs. Bailey, Baldwin, Bennett, Bentley, Blackman, Courtright, Crain, Cunningham, Dodge, Dunlap, Emmerson, English, Funk, Hankins, Kelly, Kitchell, McClurken, McDonald, Munsell, Oliver, Ormsbee, Peck, Phillips, Ross, Scott, Threlkeld, Turney, Webb, West, Wheeler, Wilson, and Wood—32.

And the rules of the House were dispensed with, the bill was now read the third time, and

Mr. Ormsbee moved to amend the bill by adding the following proviso:

*“Provided, That the bonds authorized to be issued by this act shall not be disposed of at less than par value;”* which proposed amendment,

Mr. Lincoln moved to lay on the table; which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Barnett, Beall, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Carpenter, Darnielle, Dodge, Dougherty, Drummond, Edwards, Francis, Froman, Hardin, Henderson, Hicks, Hull, Leary, Lester, Lincoln, Logan, McClernand, McLean, Marshall, Menard, Murphy of Cook, Murphy of Perry, Odam, Parkinson, Phelps, Thornton, Troy, Webb, and White—38.

Those who voted in the negative, are,

Messrs. Baldwin, Bennett, Bentley, Bissell, Blackman, Cavarly, Courtright, Cox, Crain, Cunningham, Dollins, Dunlap, Emmerson, English, Funk, Gillespie, Green, Hankins, Humphrey, Kelly, Kitchell, Laughlin, McClurken, McDonald, McGinnis, Munsell, Oliver, Ormsbee, Parsons, Phillips, Reynolds, Ross, Scott, Threlkeld, Turney, Waters, West, Wheeler, Wilson, Woodson, and Mr. Speaker—43.

Mr. Logan moved the previous question.

Mr. Kitchell demanded a call of the House,

And the roll being called over, it appeared the following members were absent:

Messrs. Gillespie, Minshall, Shepley, Trumbull, and Wood.

Pending the call,

The Senate bill for "An act to establish a ferry across the Illinois river in Grundy county," was read the first time, and the second and third times by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof.

Mr. Kelly, from the committee on Elections, to which was referred a resolution in relation to a change in the Constitution of the United States, reported the same back to the House and recommended its passage; when,

On motion of Mr. Bradford,

Further proceedings under the call of the House were dispensed with,

And the House resumed the consideration of the bill for "An act to provide for the completion of that part of the Northern Cross Railroad from Springfield to Jacksonville, and for other purposes;"

When the motion for the previous question was sustained,

And the question being put on the amendment proposed by Mr. Ormsbee, to prevent the sale of bonds at less than par value,

It was rejected, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Barnett, Bennett, Bentley, Bissell, Blackman, Busey, Crain, Cunningham, Dollins, Dunlap, Emmerson, English, Funk, Green, Hankins, Kelly, Kitchell, McClurken, Marshall, Munsell, Olds, Oliver, Ormsbee, Parsons, Phelps, Phillips, Reynolds, Ross, Scott, Threlkeld, Turney, Wheeler, Wilson, Wood, and Mr. Speaker—36.

Those who voted in the negative, are,

Messrs. Beall, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Carpenter, Courtright, Cox, Darnielle, Dodge, Dougherty, Drummond, Edwards, Francis, Froman, Hardin, Henderson, Hicks, Hull, Humphrey, Laughlin, Leary, Lester, Lincoln, Logan, McClernand, McDonald, McGinnis, McLean, Menard, Murphy of Cook, Murphy of Perry, Odam, Parkinson, Peck, Thornton, Troy, Waters, West, and White—40.

And the question being put on the passage of the bill,

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Barnett, Beall, Bissell, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Carpenter, Cavarly, Cox, Crain, Darnielle, Dodge, Dougherty, Drummond, Edwards, Francis, Froman, Green, Hardin, Henderson, Hicks, Hull, Humphrey, Laughlin, Leary, Lester, Lincoln, Logan, McClernand, McGinnis, McLean, Marshall, Menard, Murphy of Cook, Murphy of Perry, Odam, Parkinson, Parsons, Peck, Troy, White, and Mr. Speaker—44.

Those who voted in the negative, are,

Messrs. Bailey, Baldwin, Bennett, Bentley, Blackman, Courtright, Cunningham, Dollins, Dunlap, Emmerson, English, Funk, Gillespie, Hankins, Kelly, Kitchell, McClurken, McDonald, Munsell, Oliver, Ormsbee,

Phillips, Reynolds, Ross, Scott, Threlkeld, Turney, Waters, West, Wheeler, Wilson, Woodson, and Wood—33.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof.

When the bill for "An act for the early completion of the Illinois and Michigan Canal," was taken up for consideration,

And the question being on the amendment proposed by Mr. Lincoln, Mr. White demanded the previous question; which was sustained;

And the question being put on agreeing to the amendment proposed by Mr. Lincoln,

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Barnett, Beall, Bissell, Bradford, Brown of Sangamon, Cavarly, Courtright, Darnielle, Dodge, Drummond, Edwards, English, Francis, Gillespie, Green, Hardin, Henderson, Hull, Humphrey, Laughlin, Leary, Lester, Lincoln, McDonald, Marshall, Menard, Murphy of Cook, Olds, Parkinson, Peck, Phelps, Reynolds, Ross, Shepley, Thornton, West, White, Woodson, and Mr. Speaker—41.

Those who voted in the negative, are,

Messrs. Baldwin, Bennett, Bentley, Blackman, Brown of Vermilion, Canady, Cox, Crain, Cunningham Dollins, Dunlap, Emmerson, Froman, Funk, Hankins, Hicks, Kelly, Kitchell, McLean, Munsell, Murphy of Perry, Odam, Oliver, Ormsbee, Phillips, Scott, Threlkeld, Troy, Turney, Wheeler, Wilson, and Wood—32.

And the question being put on ordering the bill to be engrossed,

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Barnett, Beall, Bissell, Bradford, Brown of Sangamon, Carpenter, Cavarly, Courtright, Darnielle, Dodge, Drummond, Edwards, English, Francis, Gillespie, Green, Hardin, Henderson, Hull, Humphrey, Laughlin, Leary, Lester, Lincoln, McDonald, Marshall, Menard, Murphy of Cook, Olds, Parsons, Peck, Phelps, Reynolds, Ross, Shepley, Thornton, West, White, Woodson, and Mr. Speaker—42.

Those who voted in the negative, are,

Messrs. Baldwin, Bennett, Bentley, Blackman, Brown of Vermilion, Canady, Cox, Crain, Cunningham Dollins, Dunlap, Emmerson, Froman, Funk, Hankins, Hicks, Kelly, Kitchell, McGinnis, McLean, Munsell, Murphy of Perry, Odam, Oliver, Ormsbee, Parkinson, Phillips, Scott, Threlkeld, Troy, Turney, Wheeler, Wilson, and Wood—34.

On motion of Mr. Cavarly,

The bill for "An act for the relief of Justus Post," was considered, and,

On motion of Mr. Dollins,

The bill was laid on the table.

On motion of Mr. Henderson,

The Senate bill for "An act to provide means for paying interest on canal loans, and amending the several laws in relation to the sale of canal lands and lots," was taken up for consideration, and,

On motion of Mr. Henderson,

The bill was amended as follows:

Amend by adding the following proviso at the end of the second section:

"*Provided*, That in any further sale of canal property, the President, Acting Commissioner, and Treasurer of the Illinois and Michigan Canal,

shall be united in their judgment, that such sale will not in the least degree prejudice the interest of the State or canal, but that it will be for the interest of each, and then such sales shall not exceed the amount necessary to pay the interest upon the interest bonds hereby created."

Add the following section to the bill, viz:

"SEC. 8. That the Governor be authorized to issue bonds to be denominated 'interest bonds of the Illinois and Michigan Canal,' payable on or before the year one thousand eight hundred and seventy-six, bearing an interest of seven per cent. per annum, payable semi-annually; which bonds shall be issued in such sums, and from time to time, as may be necessary, promptly to meet the payment of interest on canal bonds for which there may be no other provision for payment. The principal and interest of said bonds to be made payable at such place as may be agreed upon. Said bonds shall be sold at the best price which can be obtained."

When the bill was

*Ordered* to a third reading.

Mr. Kelly, from the committee on Elections, to which was referred the Senate resolution instructing our Senators, and requesting our Representatives to use their influence to effect a change in the Constitution of the United States, so that any President hereafter elected shall not be eligible to re-election, reported the same back to the House and recommended its adoption;

When the question being put on concurring with the committee in their report,

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Carpenter, Cavarly, Courtright, Cox, Cunningham, Darnielle, Dougherty, Drummond, Dunlap, Edwards, Emmerson, English, Francis, Froman, Gillespie, Hankins, Hardin, Henderson, Hicks, Hull, Humphrey, Kelly, Laughlin, Leary, Lester, Lincoln, Logan, McClernand, McDonald, McLean, Marshall, Menard, Munsell, Murphy of Perry, Olds, Oliver, Parkinson, Parsons, Phillips, Reynolds, Scott, Threlkeld, Troy, Turney, Waters, Webb, West, Wheeler, White, Woodson, and Mr. Speaker—57.

Those who voted in the negative, are,

Messrs. Baldwin, Bentley, Blackman, Crain, Dodge, Dollins, Kitchell, McGinnis, Murphy of Cook, Odam, Ormsbee, Peck, Ross, Wilson, and Wood—15.

Mr. Crain, from the committee on Enrolled Bills, reported as correctly enrolled, bills of the following titles, viz:

A bill for "An act concerning assessors;"

A bill for "An act concerning the taxes of Greene and Jersey counties;"

A bill for "An act to amend an act to incorporate the college therein named;"

A bill for "An act to amend an act to incorporate the city of Chicago, approved the fourth day of March, one thousand eight hundred and thirty-seven, and for other purposes;" and

A bill for "An act to authorize John Wilson to keep a ferry across the Mississippi river."

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives, that they have concurred with them in the passage of a bill, entitled "An act to improve the navigation of the Okaw river," as amended by them.

In which they ask the concurrence of the House of Representatives.

They amend the title of said bill by striking out "Okaw" and inserting "Kaskaskia."

In which they also ask the concurrence of the House of Representatives.

I am also directed by the Senate to inform the House of Representatives that they have concurred with them in the passage of bills of the following titles, viz:

"A bill for the relief of Nathan Lowe and others;"

"An act for the sale of certain lots therein named;"

"An act to authorize John Wilson to keep a ferry across the Mississippi river;" and

"An act to authorize Isaac D. Patterson to build a bridge across Salt creek, in the counties of Menard and Mason."

They have indefinitely postponed the consideration of a bill, entitled "An act to amend an act, entitled 'An act concerning estrays,'" approved February 9th, 1835.

They have concurred with the House of Representatives in their amendments to Senate bills of the following titles, viz:

"An act concerning county seats and county lines;" and

"An act to amend an act to authorize Henry W. Cleveland to build a bridge across the Winnebago Swamp," approved February 19th, 1839.

Mr. Brown of Vermilion moved to take up the bill for "An act providing for letting the works of internal improvement to persons or companies, and for other purposes;" which was agreed to.

And on his motion, the bill was amended, as follows:

Fill the first blank with the words "the Treasurer and Fund Commissioner, or either of them," and strike out the word "three."

Fill the second blank with the words "three dollars."

Fill the third blank with the word "fifty."

Fill the fourth blank with the word "twelve."

Fill the fifth blank with the words "eighteen hundred and sixty."

Fill the sixth blank with the word "six."

Mr. Dougherty moved to add the following to the bill:

"SEC. —. That the Governor shall issue one hundred thousand dollars in like bonds, and deliver them to the Fund Commissioner who shall expend them on the southern end of the Central Railroad, to the best advantage to the State, in the completion of the same;" when,

On motion,

The House adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Senate bill for "An act to incorporate the Nauvoo Agricultural and Manufacturing Association in the county of Hancock," was read the first time, and the second and third times by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof.

Engrossed bill for "An act to change the boundary lines of Menard county," was read the third time, and

On motion of Mr. Brown of Sangamon,

The bill was indefinitely postponed, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Bissell, Blackman, Bradford, Brown of Sangamon, Canady, Carpenter, Cavarly, Charles, Courtright, Cox, Crain, Cunningham, Darnielle, Dodge, Dollins, Francis, Funk, Henderson, Hull, Kelly, Laughlin, Leary, Lester, Lincoln, McGinnis, Marshall, Murphy of Cook, Murphy of Perry, Olds, Parkinson, Parsons, Peck, Phillips, Reynolds, Threlkeld, Troy, Trumbull, Turney, Wheeler, White, Wood, and Mr. Speaker—43.

Those who voted in the negative, are,

Messrs. Able, Bailey, Bennett, Bentley, Brown of Vermilion, Dougherty, Drummond, Dunlap, Edwards, Emmerson, Froman, Gillespie, Green, Humphrey, Kitchell, McClurken, McDonald, Munsell, Oliver, Ross, Scott, Thornton, Webb, Wilson, and Woodson—25.

Mr. Crain, from the committee on Enrolled Bills, reported that he had on this day laid before the Council of Revision, for their approval, bills of the following titles, viz:

"A bill for an act to apportion the representation of the several counties in this State;"

"A bill for an act supplemental to an act to incorporate the Mount Carbon Coal Company, and to increase the capital of said company, to one million of dollars, and for the purposes hereinafter mentioned;"

"A bill for an act incorporating the Phoenix Insurance Company;"

"A bill for an act authorizing David and Samuel Mitchell to establish a ferry across the Mississippi river at Albany, in Whiteside county;"

"A bill for an act to authorize the relocation of the county seat of Clay county;" and

"A bill for an act to incorporate the Illinois Agricultural and Stock Association."

House bill for "An act to improve the navigation of the Okaw river," was considered, and the Senate amendment thereto was concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Leary, from the committee on Engrossed Bills, reported as correctly engrossed, the bill for "An act for the early completion of the Illinois and Michigan Canal."

Mr. McClernand, from the committee on Canals and Canal Lands, to which was referred the Senate bill for "An act for the relief of purchasers



of canal lots," reported the same back to the House with amendments; which were read and concurred in, and the bill as amended, was passed.

*Ordered,* That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence in the amendments thereto.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives, that they have refused to recede from their amendments to a bill from the House of Representatives, entitled "An act to locate the county seat of Stark, and to make a certain addition to said county," and have directed me to ask a committee of conference on the disagreeing vote of the two Houses, and have appointed Messrs. Hamlin, Stapp, and Moore the committee on their part.

Senate bill for "An act to provide means for paying interest on canal loans, and amending the several laws in relation to the sale of canal lands and lots," was considered.

Mr. Kitchell demanded a call of the House, and the roll being called over, it appeared that the following members were absent:

Messrs. Barnett, Busey, English, Ormsbee, Phelps and Phillips; and pending the call,

Mr. McClernand moved for adoption the following resolution:

*"Resolved by the General Assembly,* That a joint select committee to consist of two from the House, and one from the Senate shall be appointed, with full power and authority to proceed to the "Bank of Illinois," at Shawneetown, as soon as may be after the adjournment of the present session, to examine in the fullest and most ample manner into the condition and affairs of said institution, who for this purpose shall be invested with power to send for persons and papers, and to swear witnesses; and after such examination shall be made, it shall be the duty of the said committee to report the same to the Governor of this State, who is hereby required to cause such report to be published in the newspaper published at this place by the public printer, at the earliest possible time."

Which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Bissell, Blackman, Crain, Dodge, Dollins, Drummond, Dunlap, English, Hankins, Humphrey, Kelly, Kitchell, Leary, McClernand, McClurken, McGinnis, McLean, Marshall, Murphy of Cook, Olds, Parsons, Peck, White, Wood; and Mr. Speaker—27.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Barnett, Beall, Bennett, Bentley, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Carpenter, Cavarly, Charles, Cox, Cunningham, Darneille, Dougherty, Edwards, Emmerson, Francis, Froman, Gillespie, Green, Hardin, Henderson, Hicks, Hull, Laughlin, Lester, Lincoln, Logan, McDonald, Menard, Munsell, Murphy of Perry, Odam, Parkinson, Phillips, Reynolds, Ross, Scott, Thornton, Threlkeld, Troy, Trumbull, Turney, Waters, Webb, West, Wheeler, Wilson, and Woodson—52.

A message from the Senate, by Mr. Nunnally, a Senator:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives, that they have concurred with them in their amendments to a bill entitled "An act concerning the Great Western Mail Route."

The doorkeeper having reported under the call, the House refused the consideration of the bill for "An act to provide the means for paying interest on canal loans, and amending the several laws in relation to the sale of canal lands and lots," and

Mr. Turney moved to amend the bill by adding the following proviso: "*Provided*, the Governor be required to issue sixty-five bonds of a thousand dollars each, bearing a like interest, and redeemable at the same time, for the purpose of constructing dams and locks on the State property across the Little Wabash river, at Carmi and New Haven. The State property thus to be improved, the water power and privileges created, and the faith of the State is hereby irrevocably pledged for the payment of interest, and the ultimate redemption of the bonds hereby authorized to be issued; provided said bonds shall not be sold for less than par value;"

Mr. Dollins moved to lay the bill and amendments on the table,

Which was agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Bennett, Bentley, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Carpenter, Charles, Crain, Cunningham, Dollins, Dunlap, Emmerson, Froman, Hankins, Hicks, Kelly, Kitchell, Lester, McClernand, McClurken, McGinnis, McLean, Marshall, Munsell, Murphy of Perry, Odam, Olds, Oliver, Phillips, Threlkeld, Troy, Trumbull, Turney, Wheeler, Wilson, and Wood—40.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bissell, Cavarly, Courtright, Cox, Darnielle, Dodge, Dougherty, Drummond, Edwards, English, Francis, Gillespie, Green, Hardin, Henderson, Hull, Humphrey, Laughlin, Leary, Lincoln, Logan, McDonald, Menard, Murphy of Cook, Parkinson, Parsons, Peck, Reynolds, Ross, Scott, Shepley, Thornton, West, White, Woodson, and Mr. Speaker—39.

When,

On motion of Mr. McClernand,

The vote just taken on laying the bill on the table, was reconsidered; and the question being put on the passage of the bill,

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Bissell, Bradford, Busey, Cavarly, Courtright, Darnielle, Dodge, Drummond, Edwards, English, Francis, Gillespie, Green, Hardin, Henderson, Hull, Humphrey, Laughlin, Leary, Lincoln, Logan, McClernand, McDonald, Menard, Murphy of Cook, Murphy of Perry, Parsons, Peck, Reynolds, Ross, Shepley, Thornton, Webb, West, White, Woodson and Mr. Speaker—40.

Those who voted in the negative, are,

Messrs. Baldwin, Bennett, Bentley, Blackman, Brown of Sangamon, Brown of Vermilion, Canady, Carpenter, Charles, Crain, Cunningham, Dollins, Dougherty, Dunlap, Emmerson, Froman, Funk, Hankins, Hicks, Kelly, Kitchell, McClurken, McGinnis, Marshall, Munsell, Odam, Olds, Oliver, Ormsbee, Parkinson, Phillips, Scott, Threlkeld, Troy, Trumbull, Turney, Wheeler, Wilson, and Wood—39.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence in the amendments thereto.

Engrossed bill for "An act providing for letting the works of internal improvement to persons or companies, and for other purposes," was again considered, and the amendment proposed by Mr. Brown of Vermilion, this morning, was agreed to.

Mr. McClernand moved to amend the bill by adding the following as an additional section.

"SEC. —. That an act entitled "An act concerning the town of Naples," approved March 2, 1839, be and the same is hereby repealed."

Which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bennett, Bentley, Busey, Carpenter, Courtright, Dodge, Dollins, Edwards, English, Gillespie, Green, Hankins, Humphrey, McClernand, McDonald, Oliver, Ormsbee, Parsons, Peck, Reynolds, Scott, Shepley, Turney, Wheeler, Wilson, Wood, and Mr. Speaker—27.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Baldwin, Beall, Bissell, Bradford, Brown of Sangamon, Brown of Vermilion, Cavarly, Charles, Cox, Crain, Cunningham, Darnielle, Dougherty, Dunlap, Emmerson, Francis, Froman, Funk, Hardin, Henderson, Hicks, Hull, Kelly, Kitchell, Laughlin, Leary, Lester, Lincoln, McLean, Menard, Munsell, Murphy of Cook, Murphy of Perry, Odam, Parkinson, Phillips, Ross, Thornton, Threlkeld, Troy, Trumbull, Waters, Webb, West, and Woodson—47.

Mr. Kitchell moved to amend the bill by striking out the third section.

Mr. White demanded the previous question, which was sustained; when the amendment proposed by Mr. Kitchell, was rejected.

And the question being put on the passage of the bill,

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Brown of Vermilion, Busey, Canady, Carpenter, Courtright, Darnielle, Dodge, Dollins, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Green, Hardin, Henderson, Hull, Humphrey, Leary, Lincoln, Logan, McDonald, McLean, Menard, Munsell, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Parsons, Peck, Reynolds, Scott, Troy, Turney, Waters, Webb, White, Wood, and Mr. Speaker—45.

Those who voted in the negative, are,

Messrs. Baldwin, Bennett, Bentley, Bissell, Blackman, Bradford, Brown of Sangamon, Cavarly, Cox, Crain, Cunningham, Dougherty, Dunlap, English, Hankins, Hicks, Kelly, Kitchell, Laughlin, Lester, McClernand, McClurken, Parkinson, Phillips, Ross, Shepley, Threlkeld, Trumbull, West, Wheeler, Wilson, and Woodson—33.

*Ordered*, That the Clerk inform the Senate thereof, and ask their concurrence therein.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives, that they have concurred with them in the passage of a bill entitled "An act to locate and change certain State roads;" and

"An act to establish a turnpike road from Springfield, via Beardstown, to Quincy, and from Beardstown to Warsaw."

I am also directed by the Senate to inform the House of Represen-

tatives, that they have concurred with them in the amendment to a bill entitled "An act to incorporate the Rock River Navigation Company."

Mr. Crain, from the committee on Engrossed Bills, reported as correctly engrossed, bills of the following titles, viz:

"A bill for an act to repeal the militia law;"

"A bill for act to repeal all acts authorizing the prosecution of the internal improvement system;"

"A bill for an act supplemental to the charter of the Springfield and Alton Turnpike Road Company."

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives, that they have concurred with them in their amendments to a bill entitled "An act regulating the sale of property," as amended by them,

In which they ask the concurrence of the House of Representatives.

Mr. Drummond, from the committee on Enrolled Bills, reported as correctly enrolled, bills of the following titles:

"A bill for an act for the sale of certain lots therein named;"

"An act for the relief of Nathan Lowe and others;"

"An act to change the names of certain persons;"

"An act to authorize the county commissioners' clerk of Du Page county, to keep his office as at present located;"

"An act in relation to the present State House Commissioners;"

"An act relating to the recording or registering of conveyances or other instruments in writing, executed out of this State, and within the United States;"

"An act to authorize Isaac D. Patterson, to build a bridge across Salt creek, in the counties of Menard and Mason;"

"An act to extend the corporate powers of the corporation of Beardstown;"

"An act to locate a State road;"

"An act to legalize certain proceedings of the inhabitants and trustees of schools, for township thirty-five, north, range ten east, in Will county;"

"An act to locate a State road in Fulton county;"

"An act to incorporate the St. Clair Railroad Company;"

"An act for the relief of the late collector of Fulton county;"

"An act to amend an act creating the Exeter Manufacturing Company;"

"An act supplemental to an act to establish Circuit Courts," approved February 23, 1841;

"An act to enable purchasers of real estate, to ascertain whether the same is free from incumbrance, and to prevent secret liens of attachments and executions;"

"An act to authorize the county commissioners' of Tazewell county to lease certain offices;"

"An act to authorize Philo M. Knapp to enclose certain streets and alleys, in Little's addition to the town of Canton;"

"An act to provide for leasing the Saline reserve lands in Jackson county, and for granting a pre-emption right to certain persons therein named;"

"An act to authorize Solomon Husalton to build a dam across the Little Wabash river, and for other purposes."

On motion of Mr. Henderson,

The Senate message on the disagreeing vote of the two Houses, on the bill for "An act to locate the county seat of Stark, and to make a certain addition to said county," was considered and concurred in, and a committee of conference appointed on the part of the House.

*Ordered*, That Messrs. Henderson, Carpenter, Brown of Vermilion, and Beall be the committee on the part of the House.

Senate bill for "An act regulating the sale of property," was considered, and the Senate amendment to the House amendment was read, and

Mr. Hardin moved the indefinite postponement of the bill.

Mr. McClernand moved the previous question.

Mr. Brown of Vermilion moved to lay the motion for the previous question on the table; which was not agreed to; when the previous question was ordered.

And the question was put on concurring with the Senate in their amendment; which was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bentley, Blackman, Busey, Carpenter, Cavarly, Courtright, Crain, Cunningham, Dodge, Dollins, Dougherty, Dunlap, Edwards, English, Gillespie, Green, Hankins, Hicks, Humphrey, Lester, Logan, McClernand, McDonald, McLean, Marshall, Murphy of Cook, Murphy of Perry, Odam, Oliver, Parsons, Peck, Reynolds, Ross, Scott, Shepley, Threlkeld, Turney, Waters, Wheeler, White, and Mr. Speaker—40.

Those who voted in the negative, are,

Messrs. Bailey, Baldwin, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Cox, Darnielle, Drummond, Emerson, Froman, Funk, Hardin, Henderson, Hull, Kitchell, Leary, Lincoln, McClurken, Menard, Munsell, Olds, Farkinson, Phelps, Thornton, Trumbull, Webb, West, and Wood—31.

When on motion,

The House adjourned until 7 o'clock, P. M.

#### SEVEN O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Crain, from the committee on Enrolled Bills, reported that he had on this day laid before the Council of Revision for their approval, bills of the following titles, viz:

"A bill for an act to authorize John Wilson to keep a ferry across the Mississippi river;"

"A bill for an act to amend an act, to incorporate the City of Chicago," approved March 4, 1837, and for other purposes;"

"A bill for an act to amend an act, to incorporate the College therein named;"

"A bill for an act concerning the taxes of Green and Jersey counties;" and

"A bill for an act concerning assessors."

Mr. Drummond reported that the committee on Enrolled Bills, have this day laid before the Council of Revision for their approval, bills of the following titles:

"A bill for an act for the sale of certain lots therein named;"

"An act for the relief of Nathan Lowe and others;"

"An act to change the name of certain persons;"

"An act to authorize the county commissioners' clerk of Du Page county to keep his office as at present located;"

"An act in relation to the present State House Commissioners;"

"An act relating to the recording or registering of conveyances, or other instruments in writing, executed out of this State, and within the United States;"

"An act to authorize Isaac D. Patterson to build a bridge across Salt creek, in the counties of Menard and Mason;"

"An act to extend the corporate powers of the corporation of Beardstown;"

"An act to locate a State road;"

"An act to legalize certain proceedings of the inhabitants and trustees of schools, for township thirty-five north, range ten east, in Will county;"

"An act to locate a State road in Fulton county;"

"An act to incorporate the St. Clair Railroad Company;"

"An act for the relief of the late collector of Fulton county;"

"An act to amend an act, creating the Exeter Manufacturing Company;"

"An act supplemental to an act to establish Circuit Courts;" approved February 23, 1841;

"An act to enable purchasers of real estate to ascertain whether the same is free from incumbrance, and to prevent secret liens of attachments and executions;"

"An act to authorize the county commissioners of Tazewell county to lease certain offices;"

"An act to authorize Philo M. Knapp to enclose certain streets and alleys in Little's addition to the town of Canton;"

"An act to provide for leasing the Saline reserve lands in Jackson county, and for granting a pre-emption right to certain persons therein named;"

"An act to authorize Solomon Husalton to build a dam across the Little Wabash river, and for other purposes."

A message from the Council of Revision, by Mr. Purinton, Clerk of the Council:

*Mr. Speaker:* I am directed by the Council of Revision to inform the House of Representatives, that they have this day approved bills of the following titles, to wit:

"An act supplemental to an act, to incorporate the Mount Carbon Coal Company, and to increase the capital of said company to one million of dollars, and for the purposes hereinafter mentioned;"

"An act concerning assessors;"

"An act to amend an act to incorporate the Colleges therein named;"

"An act to authorize John Wilson to keep a ferry across the Mississippi river;"

"An act to amend the several acts in relation to constables;"

"An act authorizing David and Samuel Mitchell to establish a ferry across the Mississippi river, at Albany, in Whiteside county;"

"An act to authorize the relocation of the county seat of Clay county;"

"An act creating a board of auditors to settle the accounts of contractors on the public works;"

"An act incorporating the Phoenix Insurance Company;"

"An act concerning the taxes of Green and Jersey counties;"

"An act to apportion the representation of the several counties in this State;"

"An act to incorporate the Illinois Agricultural and Stock Association;"

"An act to authorize Henry Hand to keep a ferry across Rock river;"

"An act to exempt certain articles from execution;"

"An act to locate a State road from Urbana in Champaign county, by way of North Bend, to Marion, in De Witt county."

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have concurred with them in the passage of "A bill for an act, for the formation of the county of Woodford, as amended by them.

In the amendments of which, they ask the concurrence of the House of Representatives.

House bill for "An act for the formation of the county of Woodford," was considered, and the Senate amendments thereto, were read and concurred in.

When the Senate in conformity with a joint resolution of the two Houses appeared in the Hall of the House of Representatives, for the purpose of going into the election of State's Attornies for the several judicial circuits of this State.

And the two Houses proceeded to vote for State's Attorney for the first Judicial Circuit, and the joint vote being taken, stood thus:

For W. R. Archer—16.

For James Rucker—13.

For R. Yates—42.

For ——— Goodrich—13.

For J. S. Greathouse—31.

Those who voted for Mr. Yates, are,

Messrs. Baker, Cullom, Davidson, Fithian, Hamlin, Harrison, Henry, Killpatrick, Little, Ross, and Sargent, of the Senate; and

Messrs. Bailey, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Cox, Cunningham, Darnielle, Drummond, Edwards, Emerson, Francis, Froman, Funk, Gillespie, Hardin, Henderson, Hull, Lincoln, McLean, Menard, Munsell, Parkinson, Phillips, Thornton, Threlkeld, Troy, Waters, Webb, and West, of the House of Representatives—42.

Those who voted for Mr. Greathouse, are,

Messrs. Churchill, Evans, Feaman, Harris, Houston, Hunter, Monroe, Snyder, Warren, and Wood, of the Senate; and

Messrs. Baldwin, Bentley, Blackman, Busey, Courtright, Dollins, Dunlap, Green, Hicks, Kitchell, Logan, McClernand, McClurken, McGinnis, Marshall, Odam, Olds, Oliver, Turney, Wilson, and Mr. Speaker, of the House of Representatives—31.

Those who voted for William R. Archer, are,  
Messrs. Markley, Pearson, and Ralston, of the Senate; and  
Messrs. Archer, Beall, Carpenter, Crain, Humphrey, Laughlin, Lester,  
Murphy of Perry, Parsons, Peck, Shepley, Wheeler, and Wood, of the  
House of Representatives—16.

Those who voted for James Rucker, are,  
Messrs. Gatewood, Gibbs, James, Johnston, Moore, Nunnally, Parrish,  
and Stadden, of the Senate; and  
Messrs. Hankins, Kelly, Ormsbee, Ross, and White, of the House of  
Representatives—13.

Those who voted for Mr. Goodrich, are,  
Messrs. Allen, Hacker, Slocumb, Stapp, and Witt, of the Senate; and  
Messrs. Cavarly, Dodge, Dougherty, English, Leary, McDonald, Trumbull,  
and Woodson, of the House of Representatives—13.

No person having received a majority of all the votes given,  
Mr. Moore moved that the two Houses now proceed to vote for State's  
Attorney for the 2d Judicial Circuit; which was not agreed to.

Whereupon, the two Houses proceeded again to vote for State's At-  
torney for the first Judicial Circuit, and the vote being taken, stood thus:

For Mr. Greathouse—53.

For Mr. Yates—45.

For Mr. Archer—7.

For Mr. Rucker—4.

For Mr. Goodrich—8.

Those who voted for Mr. Greathouse, are,  
Messrs. Evans, Feaman, Gaston, Gibbs, Hacker, Harris, Houston,  
Hunter, James, Johnston, Markley, Monroe, Moore, Parrish, Pearson,  
Ralston, Slocumb. Snyder, Stadden, Warren, and Wood, of the Senate;  
and

Messrs. Baldwin, Bentley, Blackman, Busey, Carpenter, Courtright,  
Crain, Dollins, Dougherty, Dunlap, Green, Hankins, Hicks, Humphrey,  
Kitchell, Laughlin, Leary, Logan, McClernand, McClurken, McGinnis,  
Marshall, Odam, Olds, Oliver, Peck, Scott, Shepley, Trumbull, Turney,  
Wilson, and Mr. Speaker, of the House of Representatives—53.

Those who voted for Mr. Yates, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Gatewood, Ham-  
lin, Harrison, Henry, Killpatrick, Little, Ross, and Sargent, of the Senate;  
and

Messrs. Bailey, Beall, Bennett, Bradford, Brown, of Sangamon, Brown,  
of Vermillion, Canady, Cox, Cunningham, Darnielle, Drummond, Ed-  
wards, Emmerson, Francis, Froman, Funk, Gillespie, Hardin, Henderson,  
Hull, Lincoln, McLean, Menard, Munsell, Parkinson, Phillips, Ross,  
Thornton, Threlkeld, Troy, Webb, and West, of the House of Repre-  
sentatives—45.

Those who voted for Mr. Goodrich, are,  
Messrs. Allen, Stapp, and Witt, of the Senate; and  
Messrs. Cavarly, English, McDonald, Waters, and Woodson, of the  
House of Representatives—8.

Those who voted for Mr. Archer, are,  
Messrs. Archer, Dodge, Lester, Murphy of Perry, Parsons, Wheeler,  
and Wood, of the House of Representatives—7.



Those who voted for Mr. Rucker, are,  
Mr. Nunnally, of the Senate; and  
Messrs. Kelly, Ormsbee, and White, of the House of Representatives

—4.

No person having received a majority of all the votes given,

Mr. Lincoln moved that the two Houses proceed to the election of State's Attorney for the 2d Judicial Circuit; which was not agreed to.

Whereupon, the two Houses again proceeded to vote for State's Attorney for the first Judicial Circuit, and the vote being taken, stood thus:

For Mr. Greathouse—63.

For Mr. Goodrich—18.

For Mr. Yates—7.

Those who voted for Mr. Greathouse, are,

Messrs. Evans, Feaman, Gaston, Gibbs, Hacker, Harris, Houston, Hunter, James, Johnston, Markley, Monroe, Moore, Nunnally, Parrish, Pearson, Ralston, Slocumb, Snyder, Stadden, Warren, and Wood, of the Senate; and

Messrs. Baldwin, Bentley, Blackman, Busey, Carpenter, Courtright, Crain, Darnielle, Dodge, Dollins, Green, Hankins, Hicks, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McGinnis, Marshall, Murphy, of Cook, Murphy, of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker, of the House of Representatives—63.

Those who voted for Mr. Goodrich, are,

Messrs. Allen, Baker, Churchill, Davidson, Fithian, Gatewood, Hamlin, Harrison, Henry, Killpatrick, Little, Ross, Sargent, Stapp, and Witt, of the Senate; and

Messrs. Archer, Bailey, Beall, Bradford, Brown, of Vermilion, Cavarly, Cox, Cunningham, Dougherty, Drummond, Dunlap, Edwards, Emmerson, English, Francis, Froman, Funk, Gillespie, Hardin, Henderson, Hull, Humphrey, Lincoln, McDonald, McLean, Menard, Munsell, Parkinson, Phillips, Waters, Webb, West, and Woodson, of the House of Representatives—48.

Those who voted for Mr. Yates, are,

Mr. Cullom, of the Senate; and

Messrs. Bennett, Brown, of Sangamon, Canady, Thornton, Threlkeld, and Troy, of the House of Representatives—7.

John S. Greathouse having received a majority of all the votes given, was declared, by the Speaker of the House of Representatives, duly elected State's Attorney for the first Judicial Circuit.

The two Houses then proceeded to vote for State's Attorney for the 2d Judicial Circuit, and the vote being taken, stood thus:

For Mr. Underwood—72.

For Mr. Strong—41.

Scattering—3.

Those who voted for Mr. Underwood, are,

Messrs. Allen, Davidson, Evans, Feaman, Gaston, Gatewood, Gibbs, Hacker, Harris, Houston, Hunter, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Ross, Slocumb, Snyder, Stadden, Stapp, Warren, and Wood, of the Senate; and

Messrs. Baldwin, Bentley, Blackman, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, Drummond, Dunlap, English, Green, Hankins, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, McClernand, McClurken, McDonald, McGinnis, Marshall, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker, of the House of Representatives—72.

Those who voted for Mr. Strong, are,

Messrs. Baker, Churchill, Cullom, Fithian, Hamlin, Harrison, Henry, Killpatrick, Little, Monroe, and Sargent, of the Senate; and

Messrs. Archer, Bailey, Beall, Bradford, Brown of Sangamon, Brown of Vermilion, Canady, Cox, Cunningham, Darnielle, Edwards, Emmer-son, Francis, Froman, Funk, Gillespie, Hardin, Henderson, Hull, Lincoln, Logan, McLean, Munsell, Parkinson, Phillips, Thornton, Threlkeld, Waters Webb, and Woodson, of the House of Representatives—41.

Those who voted blank, are,

Messrs. Menard, Troy, and West, of the House of Representatives—3.

Mr. Underwood having received a majority of all the votes given, was, by the Speaker of the House of Representatives, declared duly elected State's Attorney for the 2d Judicial Circuit.

The two Houses then proceeded to vote for State's Attorney for the 3d Judicial Circuit, and the vote being taken stood thus:

For Mr. Allen—75.

For Mr. Stickney—34.

Scattering—5.

Those who voted for Mr. Allen, are,

Messrs. Allen, Baker, Churchill, Cullom, Evans, Feaman, Fithian, Gatewood Gibbs, Hacker, Harris, Henry, Houston, Hunter, James, Little, Markley, Moore, Nunnally, Parrish, Pearson, Ross, Sargent, Snyder, Stadden, Warren, and Wood, of the Senate; and

Messrs. Archer, Bailey, Baldwin, Bentley, Busey, Canady, Cavarly, Courtright, Cox, Crain, Dollins, Dougherty, Dunlap, Edwards, Emmer-son, English Francis, Froman, Funk, Gillespie, Green, Hardin, Hender-son, Hicks, Humphrey, Kelly, Laughlin, Leary, Lester, McClurken, McDonald, McGinnis, Menard, Murphy of Cook, Odam, Olds, Parkinson, Parsons, Peck, Ross, Scott, Shepley, Troy, Turney, Waters, White, Wilson, and Mr. Speaker of the House of Representatives—75.

Those who voted for Mr. Stickney, are,

Messrs. Davidson, Hamlin, Harrison, Killpatrick, Monroe, Ralston, Slo-cumb, and Stapp, of the Senate; and

Messrs. Beall, Blackman, Bradford, Cunningham, Darnielle, Dodge, Drummond, Hankins, Hull, Kitchell, Lincoln, Logan, McClernand, Mc-Lean, Marshall, Munsell, Murphy of Perry, Oliver, Phillips, Thornton, Trumbull, Webb, West, Wheeler, Woodson, and Wood, of the House of Representatives—34.

Those who voted blank, are,

Mr. Johnston, of the Senate; and

Messrs. Brown of Sangamon, Brown of Vermilion, Carpenter, and Threlkeld, of the House of Representatives—5.

Mr. Allen, having received a majority of all the votes given, was, by the Speaker of the House of Representatives, declared duly elected State's Attorney for the third Judicial Circuit.

The two Houses then proceeded to vote for State's Attorney for the 4th Judicial Circuit, and the vote being taken, stood thus:

For Mr. Shaw—57.

For Mr. Dunbar—55.

Scattering—1.

Those who voted for Mr. Shaw, are,

Messrs. Allen, Evans, Hacker, Houston, Hunter, James, Johnston, Markley, Moore, Nunnally, Ralston, Slocumb, Snyder, Stadden, and Wood, of the Senate; and

Messrs. Baldwin, Bentley, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dougherty, Dunlap, English, Green, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, McClurken, McDonald, McGinnis, McLean, Marshall, Murphy of Cook, Murphy of Perry, Olds, Oliver, Ormsbee, Parsons, Peck, Ross, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, Wood, and Mr. Speaker, of the House of Representatives—57.

Those who voted for Mr. Dunbar, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Gatewood, Gibbs, Hamlin, Harris, Harrison, Henry, Killpatrick, Little, Monroe, Parrish, Ross, Sargent, Stapp, and Warren, of the Senate; and

Messrs. Archer, Bailey, Beall, Bennett, Blackman, Bradford, Brown of Sangamon, Brown of Ver., Canady, Cox, Cunningham, Darnielle, Drummond, Edwards, Emmerson, Francis, Froman, Funk, Gillespie, Hardin, Henderson, Hull, Lincoln, Logan, Menard, Munsell, Odam, Parkinson, Phillips, Thornton, Threlkeld, Troy, Waters, Webb, West, and Woodson, of the House of Representatives—55.

Mr. McClernand, of the House of Representatives, voted blank.

Mr. Shaw having received a majority of all the votes given, was, by the Speaker of the House of Representative, declared duly elected State's Attorney for the 4th Judicial Circuit.

The two Houses then proceeded to vote for State's Attorney for the 5th Judicial Circuit, and the vote being taken, stood thus:

For Mr. Elliott—57.

For Mr. Whitney—42.

Scattering—10.

Those voting for Mr. Elliott, are,

Messrs. Allen, Evans, Gatewood, Harris, Houston, Hunter, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Ross, Slocumb, Snyder, Stadden, Warren, and Wood, of the Senate; and

Messrs. Bailey, Blackman, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Edwards, English, Green, Humphrey, Kelly, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McGinnis, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Parsons, Peck, Ross, Scott, Shepley, Trumbull, Turney, White, Wilson, Wood, and Mr. Speaker, of the House of Representatives—57.

Those voting for Mr. Whitney, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Gibbs, Harrison, Henry, Killpatrick, Little, and Sargent, of the Senate; and

Messrs. Archer, Baldwin, Beall, Bentley, Bradford, Brown of Vermilion, Busey, Cunningham, Darnielle, Dougherty, Dunlap, Francis, Gillespie, Henderson, Hicks, Hull, Lincoln, McDonald, McLean, Marshall, Menard, Munsell, Parkinson, Phillips, Threlkeld, Troy, Waters, Webb, West, Wheeler, and Woodson, of the House of Representatives—42.

Those who voted blank, are,

Messrs. Hamlin, and Stapp, of the Senate; and

Messrs. Brown of Sangamon, Cox, Drummond, Froman, Funk, Hardin, Ormsbee, and Thornton, of the House of Representatives—10.

Mr. Elliott having received a majority of all the votes given, was, by the Speaker of the House of Representatives, declared duly elected State's Attorney for the 5th Judicial Circuit.

The two Houses then proceeded to vote for State's Attorney for the 6th Judicial Circuit, and the vote being taken, stood thus:

For Shelton L. Hall—56.

For James L. Loop—22.

For James Rice—23.

Scattering—5.

Those voting for Mr. Hall, are,

Messrs. Allen, Evans, Gibbs, Harris, Houston, Hunter, James, Johnston, Markley, Moore, Nunnally, Parrish, Ralston, Slocumb, Snyder Stadden, Warren, and Wood, of the Senate; and

Messrs. Baldwin, Beall, Bentley, Busey, Carpenter, Cavarly, Court-right, Crain, Dollins, Dougherty, Dunlap, English, Green, Hicks, Humphrey, Kelly, Kitchell, Laughlin, Logan, McClurken, McDonald, McGinnis, Marshall, Murphy of Cook, Murphy of Perry, Odam, Olds, Oliver, Parsons, Poss, Scott, Shepley, Trumbull, Turney, Wheeler, White, Wilson, and Wood, of the House of Representatives—56.

Those voting for Mr. Rice, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Hamlin, Harrison, Henry, Killpatrick, Little, Monroe, Ross, and Sargent, of the Senate; and

Messrs. Archer, Brown of Vermilion, Cox, Cunningham, Darnielle, Gillespie, Hull, McLean, Munsell, and Parkinson, of the House of Representatives—23.

Those voting for Mr. Loop, are,

Messrs. Gatewood, and Pearson, of the Senate, and

Messrs. Bailey, Bradford, Brown of Sangamon, Dodge, Drummond, Francis, Hardin, Henderson, Leary, Lester, Lincoln, McClernand, Ormsbee, Peck, Thornton, Threlkeld, Waters, Webb, Woodson, and Mr. Speaker, of the House of Representatives—22.

Those who voted blank, are,

Messrs. Blackman, Froman, Funk, Menard, and Troy, of the House of Representatives—5.

Shelton L. Hall having received a majority of all the votes given, was, by the Speaker of the House of Representatives, declared duly elected State's Attorney for the 6th Judicial Circuit.

The two Houses then proceeded to vote for State's Attorney for the 7th Judicial Circuit, and the vote being taken, stood thus:

For Mr. Ryan—63.

For Mr. Allen—38.

Scattering—4.

Those voting for Mr. Ryan, are,

Messrs. Baker, Churchill, Cullom, Davidson, Fithian, Gatewood, Hamlin, Harrison, Henry, Killpatrick, Little, Monroe, Ross, Sargent, Slocumb, and Warren, of the Senate; and

Messrs. Archer, Bailey, Beall, Bentley, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Cavarly, Cox, Cunningham, Darnielle, Dougherty, Drummond, Dunlap, Edwards, Francis, Froman, Funk, Gillespie, Green, Hardin, Henderson, Hicks, Hull, Laughlin, Leary, Lincoln, Logan, McDonald, McLean, Menard, Munsell, Murphy of Perry, Parkinson, Phillips, Scott, Shepley, Thornton, Threlkeld, Troy, Turney, Waters, Webb, West, and Woodson—63.

Those who voted for Mr. Allen, are,

Messrs. Allen, Evans, Gibbs, Harris, Houston, Hunter, James, Johnston, Markley, Moore, Parrish, Pearson, Ralston, Snyder, Stadden, and Wood, of the Senate; and

Messrs. Baldwin, Carpenter, Courtright, Crain, Dodge, Dollins, English, Humphrey, Kitchell, McClernand, McClurken, Marshall, Murphy of Cook, Odum, Olds, Oliver, Ormsbee, Parsons, Ross, Trumbull, Wheeler, and Mr. Speaker, of the House of Representatives—38.

Those who voted blank, are,

Messrs. Lester, Peck, Wilson, and Wood, of the House of Representatives—4.

Mr. Ryan, having received a majority of all the votes given, was, by the Speaker of the House of Representatives, declared duly elected State's Attorney for the 7th Judicial Circuit.

The two Houses then proceeded to vote for State's Attorney for the 9th Judicial Circuit, and the vote being taken, stood thus:

For Seth B. Farwell—66.

For Charles Ballance—28.

Scattering—10.

Those voting for Mr. Farwell, are,

Messrs. Allen, Evans, Gatewood, Gibbs, Harris, Harrison, Houston, Hunter, James, Johnston, Markley, Moore, Nunnally, Parrish, Pearson, Ralston, Slocumb, Snyder, Stadden, Warren, and Wood, of the Senate; and

Messrs. Archer, Baldwin, Beall, Bentley, Busey, Carpenter, Cavarly, Courtright, Crain, Cunningham, Dodge, Dollins, Dougherty, Dunlap, English, Green, Henderson, Hicks, Humphrey, Kitchell, Laughlin, Leary, Lester, Logan, McClernand, McClurken, McDonald, Marshall, Murphy of Perry, Odum, Olds, Oliver, Ormsbee, Parsons, Ross, Scott, Shepley, Trumbull, Turney, Waters, West, Wheeler, White, Wilson, and Mr. Speaker, of the House of Representatives—66.

Those voting for Mr. Ballance, are,

Messrs. Baker, Churchill, Cullom, Davidson, Hamlin, Henry, Killpatrick, Monroe, Ross, and Sargent, of the Senate; and

Messrs. Bailey, Blackman, Bradford, Brown of Vermilion, Cox, Darnielle, Edwards, Gillespie, Hardin, Hull, Lincoln, McLean, Menard, Munsell, Parkinson, Phelps, Thornton, and Woodson, of the House of Representatives—28.

Those who voted blank, are,

Messrs. Brown of Sangamon, Drummond, Francis, Froman, Funk, Peck, Threlkeld, Troy, Webb, and Wood, of the House of Representatives—10.

Seth B. Farwell having received a majority of all the votes given, was, by the Speaker of the House of Representatives, declared duly elected State's Attorney for the 9th Judicial Circuit.

Whereupon, the Senate returned to their chamber; and

Mr. Peck introduced the following

### PROTEST

The undersigned, members of the House of Representatives, hereby avail themselves of the privilege granted under the Constitution of entering their protest against the passage of a bill entitled "An act concerning the State Bank of Illinois, having for its object a repeal of the twenty-fifth section of the act creating said bank, and authorizing an indefinite suspension of specie payments by said bank, for the following amongst other reasons:

Because a suspension of specie payments on the part of the bank in which the State is a principal stockholder, is setting a vicious example, encouraging a want of fidelity on the part of the people in respect to their personal obligations.

Because such suspension is in violation of all good faith, opposed to good morals, pernicious in its example, at variance with all pecuniary obligation, and adverse to the prosperity of the people.

Because the plea of necessity urged for such suspension, is a perpetual plea brought forward on all occasions, to justify not only the political but the personal derelictions of men, while the necessity for such suspension has been created by the bank itself; the bank in truth being in a much worse condition now, than it was when the first suspension was authorized; and the undersigned believe, that this unfortunate state of things is rather increased than diminished, by authorizing bank suspensions.

Because the people, in the opinion of the undersigned, are opposed to any such legalizing of bank suspensions, and that their representatives when fresh from those whose will they profess to express, would not vote for any bill containing such obnoxious features as does the present bill.

Because bank suspensions depreciate the value of the circulating medium, and compel the people to pay indirectly a heavy tax, for the benefit of the stockholders, without any comparative advantage to themselves.

Because such suspension will greatly impair the credit of the State, the State being a principal stockholder in that institution, this suspension will give foundation to the belief, that the State does not intend, or desire to do justice to the creditors of the State.

Because the reason assigned for the suspension, viz: that the bank will aid the people, is fallacious, for if the bank intends to resume, it must continue to retrench its circulation, to be prepared for resumption; and if it continues to extend its circulation, the bills issued will depreciate proportionately, until the whole community will be borne down under a valueless paper circulation.

Because the bank does not create money; it merely loans its credit for money, and though it may add to the circulating medium, it does not add any value or wealth to the country.

Because the bill proposes to repeal the twenty-fifth section, which merely authorizes the bank to suspend specie payments for ten days only, which, when repealed, will leave the bank to suspend as often, and for as long a time as it pleases, and places the bank beyond the control of the Legislature.

Because the bill does not propose a repeal of the thirty-first section of the bank charter, which declares that no law shall ever be passed, restraining the bank in the collection of its debts.

WHEREAS, the House of Representatives has passed a law, restraining individuals in the collection of their debts, by compelling creditors to take property at two-thirds of its value, showing a willingness that the bank may collect its dues from the people at any sacrifice, while the people cannot collect in the same way from each other, nor from the bank; creating an odious and unjust distinction, in favor of a corporation, and against the people.

E. PECK,  
JNO. A. McCLERNAND,  
WM. H. BISSELL,  
JOHN CRAIN,  
D. J. BLACKMAN,  
LYMAN TRUMBULL,  
W. KITCHELL,  
Springfield, February 25, 1841.

DAN'L. BALDWIN,  
F. A. OLDS,  
A. R. DODGE,  
J. M. KELLY,  
LEWIS W. ROSS,  
HERVEY LESTER.

Mr. Hardin presented the following

### PROTEST.

The genius and the policy of Republican institutions alike indicate the wisdom and the necessity of a frequent appeal to the people. It is thus, and thus only that the misconduct of their Representatives may be rebuked, and when the guards of our Constitution, and the sacred rights of minorities are trampled under foot, the time has arrived for the appeal and the decision.

The undersigned, members of the present General Assembly, have witnessed with regret and indignation, the passage of the law for the re-organization of the Judiciary. Their earnest and repeated efforts to defeat it have been unavailing, and already the din of the degrading contest for its offices and emoluments, sounds mournfully in the ear of patriotism.

To the majority of a Legislature whose idol is party supremacy, we have addressed our reasons in vain. Announced as a party measure for party purposes, it has been strengthened by the startling admission, and it only remains for us to present to the people and the country, the causes of our opposition, and our opinion of the results.

Our great objection to this bill is, that it is uncalled for by public opinion, or public convenience. The bill provides for the repeal of all the circuit courts, and for the election of five additional Supreme Judges, who, together with the present Supreme Judges, are required to hold circuit courts.

This is an entire change in our Judiciary system. By what necessity is it justified, or by what emergency is it required? Does it cause more courts to be held, or more causes to be decided? Will delays of justice be obviated, or justice brought nearer to any man's door? To all these questions, the answer must be, no. There are still but nine circuit judges.—They at least can perform no more duty by being Supreme Judges. They can travel no further, endure no more, sleep no less; for at best they are but men; and whoever for a moment examines, will see, that this bill, so far from aiding the speedy administration of justice, must, by imposing new and increased duties upon the judges presiding on the circuits, most materially delay and impede it.

Since the adoption of the circuit system in 1834, the need of additional circuits has been constantly increasing, and gradually supplied. Our population has doubled, our business has increased in a still greater proportion, and the creation of new circuits, so as to keep pace with this advance, has been demanded by the people, and performed by the Legislature.—There can be no doubt that a continuance in this course would have proved for the future, as it has done for the past, convenient, economical, and satisfactory.

But if this change has not been called for by public convenience, still less has it been demanded by public opinion. When the Legislature assembled in advance of the usual time, the public mind was turned with feverish anxiety to the condition of the State, and the course of its rulers; an increased debt; an empty treasury. Our internal improvement system a wretched skeleton, railroads half finished, or half decayed; iron without roads, and roads without iron; the canal so surrounded with difficulties that even its truest friends were almost found "to stop, too fearful, and too faint to go." Our scrip, issued on the faith of the State, spreading like leaves, every where, and like leaves almost valueless. These were some of the difficulties of our condition, and these it was supposed, required our utmost wisdom and patriotism. But while thus surrounded by clouds of misfortune, there was one part of the State administration against which there was no complaint, and in which almost alone, no change was required. Need we say this was our system of circuit courts, established after various trials, conforming itself to the condition and increase of our population, and approved by the experience of all the surrounding States. How strange, how unaccountable must it appear, that while all the rest of these great interests remaining unprotected, almost untouched, this system of circuit courts has been attacked and destroyed. Yet, if unjust and unwise as we believe it to be, public opinion, the great moving principle of free government, had indicated this change, we would have yielded obedience to its dictates, or at least bowed in submission to its authority. But this was not the case. In the canvass preceding the late election, excited and heated as it was, the subject was undiscussed, the change was not proposed, and even when it was known that there was a large majority of Van Buren men in either branch of the Legislature. Up to this moment, no petition, no complaint upon this subject has invited the attention of this body, or asked for its Legislation to destroy our Judiciary system.

Thus unasked, unrequired, the bill has been ushered into existence, not merely in advance, but in defiance of that public will for which its supporters always profess such profound respect.



Nor is the manner in which this bill has been sustained, less remarkable. It was preceded by the statement that the destruction of the existing system was to be followed by the creation of inferior tribunals, by which the public interests would be advanced. Their jurisdiction, their judges, their location, were left to the imaginations of those whose votes were necessary; and if visions of judicial dignity burst upon their excited fancy, and furnished powerful reasons in support of the bill they were called upon to pass, it might well be called a master stroke of policy, if not of morals, to suggest the idea. Nor were the spoils of victory to be disregarded.—Scattered in every county of the State, the new clerkships might tempt avarice, and excite ambition, or at least afford a safe, if not honorable retreat from the indignation of the people.

But, as if these reasons were still insufficient, the genius of its friends were called into brilliant exercise in rousing the spirit of party; and the dominant party were called to its support in the name of Democracy, as if the spirit of Democracy could animate a measure remarkable only for its supreme contempt for the popular will, or stern determination to usurp power. It was thus the Democracy were called on to rally to its support, and it was unblushingly avowed as its object, to obtain a Democratic majority in the Supreme Court, that they might decide questions of law according to the principles of Democracy, or in other words, according to the will of the party in power. It was by these and kindred means that the bare constitutional majority was obtained, and thus the independence of the Judiciary, the surest shield of public welfare and private right, has been brought to abject submission at the feet of Legislative authority.

We have not been neglectful of our duty in warning the majority of the dangers of these violations of the spirit of the Constitution. We have pointed to the care with which the Constitution has guarded the rights of the Judiciary. We have remonstrated against this evasive mode of removing Judges who are expressly required by the Constitution to be commissioned during good behaviour. We have asked that if criminal or incompetent, they should be removed by address or impeachment, the only modes known to the Constitution; and we have deprecated in earnest but respectful terms, an arbitrary exercise of power which may soon become the precedent for still more flagrant violations of right and justice. But we have striven in vain; the torrent of party prejudices has borne down our objections, and we can only hope that in the majesty of the popular will it may find a barrier sufficient to impede its course and stay its mischief.

We desire to say also that we consider this a fit occasion to express our conviction of the great injury this bill will cause to our character as a State. We have arrived at a critical period in our history; we seem to be surrounded by adverse circumstances well fitted to try our public faith and individual virtue. It would be the greatest, as we trust it may be the last evil we could endure, to lose our rank among States, and stand disgraced amid the fair sisters of our confederacy. But if, to the calamities to which we are already subject, and which direct painful attention to our course, is to be added a party Judiciary, made by one party, and for one party, and of one party, who that loves his country does not painfully perceive the deep but certain degradation which awaits us.

Nor do we think the influence of this bill less pernicious in its more immediate results; that there will be a lamentable want of confidence in our courts, we firmly believe; nor indeed can it be otherwise. Whoever may be selected as Judges under this bill must feel that they receive their offices from party domination, for party purposes, and the lofty independence so becoming to a judge cannot exist; the will of the party and the success of the party must be in their thoughts, and if it were possible to suppose it otherwise, how will they stand with the community? Will they not be subject to the galling but continual imputation, to the burden of a suspicion, justified, if not by their conduct, at least by their position; baneful and miserable must the tendencies of this measure be, since our courts, if not corrupt, must be suspected, and the streams of justice tinged, if not by the impurity of the fountain, by the jaundiced vision of the beholder.

There are some of the undersigned who witnessed in another State the fearful consequences of a similar interference with the courts by the Legislative authority. They saw there a contest thus produced which for bitterness and ferocity has seldom been equalled; they witnessed the whole framework of society shaken, justice denied, delayed, and brought into dispute; crime stalking unrebuked and unpunished, and the best interests of a community shattered or crushed, and they cannot remain silent when an attempt is made which being intended for similar purposes, may produce similar results.

For the reasons thus presented, and for others no less apparent, the undersigned cannot assent to the passage of the bill, or permit it to become a law without this evidence of their disapproval; and they now protest against the passage of a bill for the re-organization of the Judiciary; because,

First. It violates the great principles of the government by subjecting the Judiciary to the Legislature;

Second. It is a fatal blow at the independence of the Judges, and the constitutional term of their office;

Third. It is a measure not asked for, or wished for by the people;

Fourth. It will greatly increase the expense of our courts, or else greatly diminish their utility;

Fifth. It will give our courts a political and partizan character, thereby impairing public confidence in their decisions;

Sixth. It will impair our standing in the opinion of other States, and the world;

Seventh. It is a party measure, for party purposes, from which no practical good to the people can possibly arise, but which may be the source of innumerable evils.

The undersigned are well aware that this protest will be altogether unavailing with the majority of this body. The blow has already fallen, and we are compelled to stand by the mournful spectators of the ruin it will cause. But we cannot do otherwise than point out the danger of this measure, its impolicy and its usurpation, in order, at least, that the despotism of a momentary majority may not become a precedent for succeeding enormities, or future crimes.

We have thus accomplished our only remaining duty on this painful subject, and we commit the final decision of this great question to the judgment and justice of the people. We have struggled ineffectually to guard

the principles of our government from unhallowed innovation, and we now submit this great question to our constituents, and the country. As Representatives, we can do no more; as citizens, we shall be found where we have ever been, contending for the supremacy of the Constitution.

Nor are we without our great consolation; there is a spirit in the people, sometimes slumbering, but never extinct, which, when thoroughly aroused by usurpation or tyranny, will overwhelm the usurper and his devices in an undistinguished ruin; nor can they long escape this generous indignation, who prostitute the power bestowed by the people to unworthy ends or selfish purposes. When that spirit shall kindle in its might, and rebuke the authors and abettors of this plan, we may rely upon this protest as a proof of our fidelity to the cause of the country, and a shield against the indignation of the people.

JOSEPH GILLESPIE,  
JOHN J. BROWN,  
LEANDER MUNSELL,  
WM. B. ARCHER,  
JOHN F. CHARLES,  
ISAAC FUNK,  
ALDEN HULL,  
JOHN DARNIELLE,  
GEO. W. WATERS,  
CYRUS EDWARDS,  
JAMES T. CUNNINGHAM,  
JOHN BENNETT,  
THOMAS THRELKELD,  
A. LINCOLN,  
J. M. McLEAN,  
H. W. THORNTON,  
WM. A. MINSHALL,  
JAS. M. BRADFORD.

JOHN J. HARDIN,  
JEREMIAH COX,  
PETER MENARD, JR.,  
WM. H. HENDERSON,  
JAMES REYNOLDS,  
WM. W. BAILEY,  
D. M. WOODSON,  
E. B. WEBB,  
JOHN DENNY,  
ISAAC FROMAN,  
JAMES H. BEALL,  
JOSIAH FRANCIS,  
DANIEL TROY,  
JAMES PARKINSON,  
JOHN CANADY,  
ALEXANDER PHILLIPS,  
JAS. N. BROWN,

On motion,  
The House adjourned.

SATURDAY, FEBRUARY 27, 1841.

House met pursuant to adjournment.

Senate bill for "An act to hold courts in the seventh judicial circuit," was read the first time, and the second and third times by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Engrossed bill for "An act to repeal all acts authorizing the prosecution of the internal improvement system," was read the third time, and passed, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bailey, Baldwin, Beall, Bennett, Bentley, Blackman, Bradford Brown of Sangamon, Busey, Canady, Courtright, Cox, Cunningham, Dol,

lins, Drummond, Edwards, Emmerson, English, Francis, Froman, Hardin, Hender-on, Hull, Humphrey, Kitchell, Laughlin, Leary, Lester, McClurken, McGinnis, McLean, Munsell, Odam, Olds, Oliver, Ormsbee, Parkinson, Parsons, Phelps, Phillips, Reynolds, Ross, Threlkeld, Troy, Trumbull, Waters, West, Wheeler, Wilson, Woodson, and Mr. Speaker—51.

Those who voted in the negative, are,

Messrs. Crain, Dodge, Dougherty, Dunlap, Green, Logan, McClernand, Menard, Murphy of Cook, Peck, Scott, Turney, White, and Wood—14.

*Ordered*, That the Clerk inform the Senate thereof, and ask their concurrence therein.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives, that they have concurred with them in the passage of bills of the following titles, to wit:

“An act concerning the State Bank of Illinois,” as amended by them.

“An act to provide for the payment of interest on the public debt,” as amended by them.

In which they ask the concurrence of the House of Representatives.

House bill for “An act concerning the State Bank of Illinois,” was considered; and the Senate amendments thereto being read,

Mr. Logan demanded the previous question.

Mr. Trumbull moved to lay the motion for the previous question on the table,

Which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Bissell, Blackman, Bradford, Crain, Dollins, Drummond, English, Francis, Hardin, Kitchell, Lester, McClernand, McClurken, McLean, Menard, Munsell, Murphy of Cook, Olds, Parsons, Peck, Phelps, Ross, Trumbull, Turney, Wilson, and Wood—27.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bentley, Brown of Sangamon, Busey, Canady, Cavarly, Charles, Courtright, Cox, Cunningham, Darnielle, Dodge, Dougherty, Dunlap, Edwards, Emmerson, Froman, Funk, Gillespie, Green, Henderson, Hull, Humphrey, Laughlin, Leary, Logan, McGinnis, Marshall, Murphy of Perry, Odam, Ormsbee, Parkinson, Reynolds, Scott, Thornton, Threlkeld, Troy, Waters, Webb, West, Wheeler, White, Woodson, and Mr. Speaker—47.

When,

Mr. Trumbull demanded a call of the House, and the roll being called over, it appeared that the following members were absent:

Messrs. Barnett, Lincoln and McDonald; and pending the call,

Senate bill for “An act to require clerks of Circuit Courts to pay over monies to the treasurer, and to render an account,” was read the first time, and the second time by its title, and

Mr. Hardin moved the following as an additional section:

“SEC. 5. All that part of the Northern Cross Railroad lying between the depot at Springfield, and the Illinois river, shall be under the superintendence and control of the Fund Commissioner, who shall perform all the duties in relation to said road, which have been required of the treasurer, and the profits arising from the use of said road, or so much thereof as may be necessary, shall be applied to the payment of the interest on the

bonds required to be used in paying for finishing the road from Jacksonville to Springfield, and the remainder of said profits shall be applied as now required by law."

Mr. Ross moved to lay the proposed amendment on the table; which was not agreed to; when the proposed amendment was agreed to, and the bill was

*Ordered* to a third reading.

And the rules of the House being dispensed with, the bill was now read the third time by its title, and passed as amended, and

On motion of Mr. Hardin,

The title was amended by adding the following words, "and in relation to the Northern Cross Railroad."

*Ordered*, That the title be as amended, and that the Clerk inform the Senate thereof, and ask their concurrence in the amendments thereto; when,

On motion of Mr. Woodson,

Further proceedings under the call of the House were dispensed with.

And the House resumed the consideration of the bill for "An act concerning the State Bank of Illinois;" when the demand for the main question was sustained.

And the question being put on concurring with the Senate in their amendments to the bill,

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Carpenter, Charles, Court-right, Cox, Cunningham, Darnielle, Dougherty, Dunlap, Edwards, Em-merson, Francis, Froman, Funk, Gillespie, Green, Henderson, Hull, Laughlin, Leary, Logan, McGinnis, Menard, Murphy of Perry, Odam, Parkinson, Phelps, Reynolds, Scott, Shepley, Threlkeld, Waters, West, Woodson, and Mr. Speaker—43.

Those who voted in the negative, are,

Messrs. Baldwin, Bissell, Blackman, Cavarly, Crain, Dodge, Dollins, Drummond, English, Hankins, Hardin, Kelly, Kitchell, Lester, McCler-nand, McClurken, McDonald, McLean, Marshall, Munsell, Murphy of Cook, Olds, Oliver, Ormsbee, Parsons, Peck, Ross, Thornton, Troy, Trumbull, Turney, Webb, Wheeler, Wilson, and Wood—35.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

Mr. Speaker: I am directed by the Senate to inform the House of Rep-resentatives, that they have concurred with the report of the joint select committee, appointed in pursuance of the joint resolution having for its object, the memorializing of Congress on the subject of establishing a ma-rine hospital at the city of Chicago.

In which they ask the concurrence of the House of Representatives.

Mr. Crain, from the committee on Enrolled Bills, reported as correctly enrolled, bills of the following titles, viz:

"A bill for an act to authorize Stanton Prentice to establish a ferry across the Mississippi river;"

"A bill for an act to extend the location of the Darwin and Charleston Turnpike, from Charleston to Springfield;"

"A bill for an act to define the corporate limits of the town of Lacon, and to vacate the plat of the town of Auburn;"

"A bill for an act supplemental to an act, for the formation of the county of Mason;"

"A bill for an act to improve the navigation of the Kaskaskia river;"

"A bill for an act to locate and change certain State roads;" and

"A bill for an act authorizing the mutual conveyance of certain lots by and between the Auditor of Public Accounts and J. Whitney."

Mr. Crain, from the committee on Enrolled Bills, reported as correctly enrolled, bills of the following titles, viz:

"A bill for an act creating an additional precinct in Johnson county;"

"A bill for an act to establish the Kishwaukee ferry company;"

"A bill for an act to locate a State road therein named;"

"A bill for an act for the formation of the county of Woodford;"

"A bill for an act in relation to certain mill-dams on Big Muddy, in Jasper and Clay counties;" and

"A bill for an act requiring the county commissioners' court of Edgar county, to establish an additional election precinct in said county;" and

"An act supplemental to an act, to extend the Charleston and Darwin Turnpike, from Charleston to Springfield."

Mr. Drummond, from the committee on Enrolled Bills, reported that he had this day laid before the Council of Revision for their approval, a bill of the following title:

"An act to incorporate the Rock River Navigation Company."

A message from the Senate, by Mr. Berry, their Assistant Secretary:

Mr. Spraker: I am directed by the Senate to inform the House of Representatives, that they have concurred with them, in the passage of bills of the following titles, to wit:

"An act to establish a ferry therein named:"

"An act to change the name of the town of "Millersburg," in the county of Mercer, to that of Troy," as amended by them.

In which they ask the concurrence of the House of Representatives.

They have indefinitely postponed the consideration of a bill entitled "An act providing for the election of a public binder."

They have concurred with the House of Representatives in their amendments to a bill entitled "An act in relation to pedlars."

Mr. Parsons, from the committee on Education, to which was referred the bill for "An act to authorize school commissioners and township treasurers to purchase real estate sold on execution for monies due the school fund," reported the same back to the House without amendment; when the bill was

*Ordered to a third reading.*

And the rule of the House being dispensed with, the bill was now read the third time by its title, and passed; and

On motion of Mr. Parsons,

The title was amended so as to read as follows:

"An act supplemental to an act, making provision for organizing and maintaining common schools."

*Ordered,* That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Crain, from the committee on Enrolled Bills, reported that he had

on this day laid before the Council of Revision, for their approval, bills of the following titles, viz:

"A bill for an act authorizing the mutual conveyance of certain lots, by and between the Auditor of Public Accounts and J. Whitney;"

"A bill for an act to locate and change certain State roads;"

"A bill for an act to improve the navigation of the Kaskaskia river;"

"A bill for an act, supplemental to an act, for the formation of the county of Mason;"

"A bill for an act to define the corporate limits of the town of Lacon, and to vacate the plat of the town of Auburn;"

"A bill for an act to extend the location of the Darwin and Charleston Turnpike, from Charleston to Springfield;" and

"A bill for an act to authorize Stanton Prentice to establish a ferry across the Mississippi river."

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have passed a bill of the following title, to wit:

"A bill for an act, defining the duties of county collectors."

In the passage of which, they ask the concurrence of the House of Representatives.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have concurred with the House of Representatives in their amendments to a bill entitled "An act to remove obstructions to the navigation of the Little Wabash river, and for other purposes," as amended by them.

In which amendment, they ask the concurrence of the House of Representatives.

A message from the Senate, by Mr. Berry their Assistant Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have concurred with them in the passage of a bill entitled "An act for the formation of the county of Allen."

Mr. Drummond, from the committee on Enrolled Bills, reported as correctly enrolled, a bill of the following title:

"An act to incorporate the Rock river Navigation Company."

On motion of Mr. Dollins,

*"Resolved by the House of Representatives, the Senate concurring herein,* That the Public Printer publish without delay; the respective times of holding Circuit Courts in the several counties, comprising the third judicial circuit, as regulated by the present General Assembly, and transmit a copy of the same to the clerk of each court in said circuit."

*Ordered,* That the Clerk inform the Senate thereof, and ask their concurrence therein.

Engrossed bill for "An act for the early completion of the Illinois and Michigan canal," was read the third time, and

Mr. Trumbull moved to amend the bill by striking out all of the bill after the ninth section.

Mr. Peck moved to amend the bill as follows:

Add the following proviso to the last section of the bill.

*"Provided always,* That the commissioners of the Illinois and Michigan Canal, shall advertise the work on the Illinois and Michigan Canal, not



already under contract, in the manner heretofore directed by law; and if such works shall not be bid for, or taken by responsible persons, who will receive canal bonds at par, in payment for the work done under the said contracts, at less than the present estimates of the engineers, then the said works shall be let to the contractors associated, under the provisions of this act.

*"And provided further,* That when any work shall be let to any person or persons, other than those belonging to said association, then said association shall not be held responsible, for the completion of the same.

*"And provided further,* That the bonds to be paid for such work, shall be sold in the same manner, at not less than the prices for which bonds may be sold by the said association."

Mr. Hardin moved to amend the 19th section of the bill by striking out the clause preceding the proviso, and insert,

"The said corporation shall give bond to the Governor, and his successors in office, conditioned for the faithful construction and completion of said canal, in three years, as herein required, in the sum of one hundred thousand dollars, with such security as the Canal Commissioners may require."

Mr. Gillespie demanded the previous question, which was sustained;

When the amendment proposed by Mr. Hardin was agreed to.

And the question being put on striking out all after the 9th section, on the motion of Mr. Trumbull,

It was decided in the negative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Bissell, Blackman, Busey, Crain, Dodge, Dollins, Dunlap, Emmerson, English, Froman, Green, Hankins, Humphrey, Kitchell, McClernand, McClurken, McDonald, McLean, Munsell, Odam, Olds, Oliver, Ormsbee, Parsons, Peck, Ross, Shepley, Trumbull, Turney, Waters, Webb, Wheeler, White, and Wilson—35.

Those who voted in the negative, are,

Messrs. Archer Bailey, Beall, Bennett, Bradford, Brown of Sangamon, Brown of Vermilion, Carpenter, Cavarly, Charles, Courtright, Cox, Dougherty, Drummond, Edwards, Francis, Funk, Gillespie, Hardin, Henderson, Hull, Laughlin, Leary, Lincoln, Menard, Murphy of Cook, Murphy of Perry, Parkinson, Phelps, Phillips, Reynolds, Thornton, Threlkeld, West, Woodson, and Mr. Speaker—36.

And the question being put on agreeing to the amendment proposed by Mr. Peck,

It was decided in the affirmative.

And the question being put on the passage of the bill,

It was decided in the affirmative, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Bissell, Bradford, Brown of Sangamon, Cavarly, Courtright, Dodge, Drummond, Edwards, English, Funk, Gillespie, Hardin, Henderson, Hull, Humphrey, Laughlin, Leary, Lincoln, McClernand, McDonald, Menard, Murphy of Cook, Parsons, Peck, Phelps, Reynolds, Ross, Shepley, Thornton, Webb, West, White, Woodson, and Mr. Speaker—37.

Those who voted in the negative, are,

Messrs. Baldwin, Bennett, Blackman, Brown of Vermilion, Busey, Can-



ady, Carpenter, Charles, Cox, Crain, Cunningham, Dollins, Dougherty, Dunlap, Emmerson, Froman, Green, Hankins, Kitchell, McClurken, McLean, Munsell, Murphy of Perry, Odam, Olds, Oliver, Parkinson, Phillips, Threlkeld, Trumbull, Turney, Wheeler, and Wilson—33.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that the Senate have concurred with the committee of conference in their report upon the disagreeing vote of the two Houses, in the amendment of the Senate to a bill, entitled "An act to locate the county seat of Stark, and to make a certain addition to said county." A majority of the committee report in favor of the House of Representatives concurring with the Senate in their amendment to said bill.

In which they ask the concurrence of the House of Representatives.

The message from the Senate informing the House that the Senate had concurred in the report of the committee of conference on the disagreeing vote of the two Houses on the bill for "An act to locate the county seat of Stark, and to make a certain addition to said county," and asking the concurrence of the House in the same, was taken up for consideration, and,

On motion of Mr. Henderson,

The report was read and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

Engrossed bill for "An act supplemental to the charter of the Alton and Springfield Turnpike Road Company," was read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

House bill for "An act to provide for the payment of interest on the public debt," was considered, and the Senate amendments thereto were read and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that they have passed a bill of the following title, to wit: "An act to hold courts in the seventh judicial circuit."

In which they ask the concurrence of the House of Representatives.

Senate bill for "An act for the benefit of the persons therein named," was read the third time, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof.

Senate bill for "An act to authorize the Mt. Carmel and Alton Railroad company to construct the Southern Cross Railroad," was read the third time, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof.

Mr. Carpenter, from the committee on Counties, to which was referred the following petitions and remonstrances, viz:

Remonstrance from Peoria county against a division of said county;

Petitions from Stark county, in relation to adjacent territory;

Petition from Henry county, asking to be added to Stark county;

Remonstrance from Kane county against a division of said county; have had the same under consideration, and have directed me to report the same back to the House, and ask to be discharged from the further consideration of the said several subjects; which was agreed to.

A message from the Council of Revision, by Mr. Purinton, Clerk of the Council:

*Mr. Speaker:* The Council of Revision have directed me to inform the House of Representatives, that on Friday, the 26th instant, they approved bills of the following titles, to wit:

"An act relating to the recording or registering of conveyances or other instruments in writing executed out of this State, and within the United States;"

"An act to change the names of certain persons;"

"An act in relation to the present State House Commissioners;"

"An act to authorize the county commissioners' clerk of Du Page to keep his office as at present located;"

"An act to provide for leasing the Saline reserve lands in Jackson county, and for granting a pre-emption right to certain persons therein named;"

"An act to authorize the county commissioners of Tazewell county to lease certain offices;"

"An act to locate a State road;"

"An act to authorize Solomon Husalton to build a dam across the Little Wabash river, and for other purposes;"

"An act to locate a State road in Fulton county;"

"An act to legalize certain proceedings of the inhabitants and trustees of schools for township thirty five north, range ten east, in Will county;"

"An act for the sale of certain lots therein named;"

"An act to authorize Philo M. Knapp to enclose certain streets and alleys in Little's addition to the town of Canton;"

"An act to extend the corporate powers of the corporation of Beardstown;"

"An act to authorize Isaac D. Patterson to build a bridge across Salt creek, in the counties of Menard and Mason;"

"An act to enable purchasers of real estate to ascertain whether the same is free from incumbrances, and to prevent secret liens of attachments and executions;"

"An act for the relief of the late collector of Fulton county;"

"An act to incorporate the St. Clair Railroad Company;"

"An act supplemental to an act to establish Circuit Courts," approved February 23, 1841;"

"An act for the relief of Nathan Lowe, and others;" and

"An act to amend an act creating the Exeter Manufacturing Company."

Engrossed bill for "An act to repeal the militia law," was read the third time, and,

On motion of Mr. Dollins,

Laid on the table.

Senate bill for "An act supplemental to "An act to incorporate the Des Moines Rapids Railroad Company," was read the first time, and the second and third times by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof.

Senate bill for "An act to incorporate the town of Tremont," was read the first time, and the second time by its title, and,

On motion of Mr. Hull,

Referred to the committee on Banks and Corporations.

Senate bill for "An act to remove the obstructions to the navigation of the Little Wabash river, and for other purposes," was considered, and the Senate amendments to the House amendments were read and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

Senate bill for "An act defining the duties of the Commissioners of the Illinois and Michigan Canal," was read the first time, and the second time by its title, and,

On motion of Mr. Peck,

The bill was amended as follows:

"SEC. —. The Treasurer of the said Board of Canal Commissioners shall be a component part of the Board of Commissioners, any law to the contrary notwithstanding."

And strike out the fourth and fifth sections of the bill; when the bill, as amended, was passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence in the amendments thereto.

Senate bill for "An act defining the duties of county collectors," was read the first time, and

Mr. Archer moved to indefinitely postpone the bill; and the yeas and nays being called for, and no quorum voting,

On motion,

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Ormsbee, from the select committee, appointed for the purpose of investigating the actions and doings, accounts, &c., of the Board of Public Works; made a report, which, without reading, was laid on the table.

Mr. Murphy of Cook, from the select committee, to which was referred the bill for "An act, requiring the school commissioner of Cook county to pay certain monies therein named," reported the same back to the House with amendments; which were read and concurred in, and the bill

*Ordered* to a third reading; when

The rules of the House were dispensed with, and the bill was now read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Murphy of Cook, from the committee on Banks and Corporations, to which was referred the Senate bill for "An act to incorporate the town of Tremont," reported the same back to the House without amendment; when the bill was

*Ordered* to a third reading.

And the rules of the House being dispensed with; the bill was now read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof.

Mr. Crain, from the committee on Enrolled Bills, reported that he had on this day laid before the Council of Revision, for their approval, bills of the following titles, viz:

"A bill for an act in relation to certain mill-dams on Big Muddy, in Jasper and Clay counties;"

"A bill for an act for the formation of the county of Woodford;"

"A bill for an act to locate a State road therein named;"

"A bill for an act to establish the Kishwaukee Ferry Company;"

"A bill for an act creating an additional precinct in Johnson county;"

and  
"A bill for an act requiring the county commissioners' court of Edgar county, to establish an additional election precinct in said county;" and

"An act supplemental to an act, to extend the Charleston and Darwin Turnpike, from Charleston to Springfield."

A message from the Senate, by Mr. Pearson, a Senator:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives, that they have concurred with them in the passage of a bill, of the following title, viz:

"A bill for an act, authorizing certain debtors of the State to discharge their indebtedness in Illinois Internal Improvement scrip."

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives, that they have concurred with them in the passage of a bill, entitled "An act making appropriations for the years 1841 and 1842," as amended by them.

In which they ask the concurrence of the House of Representatives.

They have concurred with the House of Representatives in their amendments to a bill entitled "An act to provide for settlers on lands, purchased by the State."

Mr. Henderson, from the committee on Banks and Corporations, to which was referred the bill for "An act, authorizing the Governor to appoint a day to hold special elections for members of Congress, and for other purposes," reported the same back to the House, and recommended its passage; when the bill was

*Ordered* to a third reading.

And the rules of the House being dispensed with, the bill was now read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Senate bill for "An act concerning a State road in Jefferson county," was read the first time, and the second and third times by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof.

On motion of Mr. Leary,  
The following rule was adopted:

**"RULE —.** There shall be appointed by the chair, a standing committee on unfinished business."

*Ordered,* That Messrs. Leary, Lincoln, and Woodson be said committee.

On motion of Mr. English,

It was unanimously "resolved, that the thanks of this House be tendered to the Honorable William Lee D. Ewing, for the able and impartial manner in which he has discharged the duties of Speaker of the House of Representatives during the present session."

House bill for "An act making appropriations for the years 1841 and 1842," was considered, and the Senate amendments thereto, read and concurred in.

*Ordered,* That the Clerk inform the Senate thereof.

Mr. Kitchell, from the committee on the Judiciary, to which was referred sundry bills and petitions, reported the same back to the House, and was discharged from the further consideration of the same.

Mr. Murphy of Perry, from the committee on Education, to which had been referred the memorial of the New York Historical Society, reported the same back to the House, and was discharged from the further consideration of the same.

Senate bill for "An act to incorporate the town of Vienna, in Johnson county," was read the first time, and the second and third times by its title, and passed.

*Ordered,* That the title be as aforesaid, and that the Clerk inform the Senate thereof.

House bill for "An act to change the name of the town of Millersburg, in the county of Mercer, to that of Troy," was considered; and the Senate amendments thereto were read and concurred in.

Also, House bill for "An act to establish a ferry therein named," was considered, and the Senate amendments thereto were read and concurred in.

*Ordered,* That the Clerk inform the Senate thereof.

Mr. Ross, from the select committee to which was referred the bill for "An act to make school commissioners elective by the people," reported the same back to the House with amendments; which were read, and

Mr. Leary moved to lay the report on the table; which was not agreed to.

On motion of Mr. Dollins,

The eighth section of the bill was amended by striking out "fifteen dollars" and inserting "ten dollars."

On motion of Mr. Bissell,

The ninth section of the bill was amended by striking out "ten dollars" and inserting "five dollars."

Mr. Kitchell moved to amend the bill so as to impose a tax of ten dollars on all members of the General Assembly; which,

On motion of Mr. Webb,

Was laid on the table, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Barnett, Beall, Bennett, Bentley, Bissell, Brown of Vermilion, Busey, Carpenter, Courtright, Crain, Darnielle, Dodge, Dollins, Dunlap, Emmerson, English, Francis, Froman, Funk, Hankins, Hull, Humphrey,

Laughlin, Leary, Lester, Lincoln, Logan, McClurken, McGinnis, McLean, Marshall, Murphy of Cook, Odam, Olds, Parkinson, Peck, Phillips, Reynolds, Ross, Scott, Thornton, Threlkeld, Troy, Waters, Webb, West, White, Woodson, Wood, and Mr. Speaker—50.

Those who voted in the negative, are,

Messrs. Baldwin, Blackman, Bradford, Brown of Sangamon, Cavarly, Cox, Cunningham, Drummond, Edwards, Gillespie, Green, Hardin, Kitchell, McClernand, McDonald, Menard, Munsell, Murphy of Perry, Oliver, Ormsbee, Parsons, Phelps, Trumbull, Wheeler, and Wilson—25.

Mr. Blackman moved to amend the bill as follows:

"SEC. 12. That each Senator and Representative that may hereafter be elected to the General Assembly of this State, shall on receiving the certificate of his election, pay to the clerk of the county commissioners' court, for the use of the proper county, each Senator the sum of twenty dollars, and Representatives each, the sum of ten dollars, and the said clerk shall be required to pay all such money over to the county treasurer, of their respective counties, within twenty days from the time he may have received any such money, and take the receipt of the treasurer for the amount so received; for a failure on the part of the said clerks, to comply with the provisions of this section, such delinquent clerk shall be liable to be sued before any justice of the peace of the proper county, in the name of the county commissioners' court, for the use of such county, and it shall be the duty of the treasurer of such county, to prosecute the suit against such delinquent clerk.

Mr. Ross demanded the previous question; which was sustained, and the amendment proposed by Mr. Blackman, was rejected.

When the bill was ordered to be engrossed, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Beall, Bissell, Carpenter, Cavarly, Courtright, Crain, Dodge, Dollins, Dunlap, Edwards, English, Froman, Funk, Gillespie, Green, Hankins, Hardin, Humphrey, Laughlin, Lincoln, Logan, McClernand, McClurken, McDonald, McLean, Menard, Murphy of Cook, Murphy of Perry, Olds, Oliver, Parkinson, Parsons, Peck, Phillips, Reynolds, Ross, Scott, Trumbull, Webb, West, Wilson, and Mr. Speaker—43.

Those who voted in the negative, are,

Messrs. Baldwin, Barnett, Bennett, Bentley, Blackman, Bradford, Brown of Sangamon, Brown of Vermilion, Busey, Canady, Cox, Drummond, Emmerson, Francis, Hull, Kitchell, Leary, Lester, McGinnis, Marshall, Munsell, Phelps, Thornton, Troy, Waters, Wheeler, White, Woodson, and Wood—29.

Mr. Dodge offered for adoption the following resolution:

"*Resolved by the General Assembly of the State of Illinois*, That the Fund Commissioner shall be, and he is hereby authorized to call to his aid some suitable person in the performance of his public duties, if at any time, in his judgment, the public service shall require such aid.

*Provided always*, That it shall be the duty of the Fund Commissioner to report to the next General Assembly, the reasons and necessity of appointing such person, in case of such appointment; which,

On motion of Mr. Parkinson,

Was laid on the table.

Senate resolution requiring the Public Printer to publish in pamphlet form, four thousand five hundred copies of the "Act making provision for organizing and maintaining common schools," was considered, and concurred in.

*Ordered*, That the Clerk inform the Senate thereof.

Senate bill for "An act defining the duties of county collectors," was considered, and

On motion of Mr. Bradford,

Indefinitely postponed.

*Ordered*. That the Clerk inform the Senate thereof.

Mr. Crain, from the committee on Enrolled Bills, reported as correctly enrolled, "A bill for an act concerning the State Bank of Illinois," and that he had on this day laid the same before the Council of Revision for their approval or rejection."

Also, as correctly enrolled, and laid before the Council for their approval, "A bill for an act for the formation of the county of Allen;"

"An act to provide for the payment of interest on the public debt;" and

"A bill for an act to locate the county seat of Stark, and to make a certain addition to said county."

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives, that they have passed "A bill for an act concerning a State road in Jefferson county.

In the passage of which said bill, they ask the concurrence of the House of Representatives.

Also, "An act supplemental to an act, to incorporate the Des Moines Rapids Railroad Company."

They have concurred with them in the passage of "An act to establish a ferry across the Mississippi river, in Pike county."

Senate bills for "An act to incorporate the Naperville Academy;" and

"An act to incorporate the Illinois and Missouri Bridge Company;" were severally read the first time, and the second and third times by their titles, and passed.

*Ordered*, That the titles be as aforesaid, and that the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Harrison, a Senator:

*Mr. Speaker*: I am directed to inform the House, that the Senate have refused to concur with them in the amendments to a bill entitled "An act, defining the duties of the Commissioners of the Illinois and Michigan Canal."

Senate bills of the following titles were severally read the first time, and the second and third times by their titles, and passed, to wit:

"An act to extend the boundaries of the county of Carroll;"

"An act supplemental to "An act entitled 'An act, for the formation of the county of Piatt;'"

"An act to authorize the appointment of assessors, in certain cases;"

"An act to incorporate the Juliet Academy;"

"An act to authorize the Fund Commissioner to compound for and adjust demands, in favor of the State."

*Ordered*, That the titles be as aforesaid, and that the Clerk inform the Senate thereof.

Engrossed bills of the following titles were severally read the third time, and passed, to wit:

"An act to establish the first Congregational Society of Buffalo Grove;"

"An act to establish the Galena and Rock River Coal and Transportation Company."

*Ordered*, That the titles be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives, that they have passed a bill entitled "An act to provide for the levying of taxes for school purposes, in Griggsville, in Pike county."

In which they ask the concurrence of the House of Representatives.

They have concurred with the House of Representatives in their amendments to a bill for "An act to incorporate the Western Marine and Fire Insurance Company."

I am also directed by the Senate to inform the House of Representatives, that they have passed a bill for "An act to amend an act entitled 'An act, in relation to the State Bank of Illinois,' approved January 31, 1840.

I am also directed by the Senate to inform the House of Representatives, that they have passed a bill of the following title:

"A bill for an act supplemental to the charter of the Springfield and Alton Turnpike Road Company."

Senate bill for "An act supplemental to an act, entitled 'An act to authorize the trustees of the town of Shawneetown, to construct a Macadamized road,' was read the first and second time, and

On motion of McClernand,

Was referred to a select committee.

*Ordered*, That Messrs. McClernand, Peck, and Bissell be said committee.

Senate bill for "An act to locate a State road therein named," was read the first time, and the second time by the title, and

On motion of Mr. Cavarly,

Amended as follows:

"The streets in the out-lots so called in the town of Vandalia, be and the same are hereby abolished;" when the bill was read the third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence in said amendments.

Mr. McClernand, from the select committee to which was referred a bill for "An act supplemental to an act, entitled 'An act to authorize the trustees of the town of Shawneetown, to construct a Macadamized road,'" reported the same back to the House with an amendment; which was read and concurred in, and the bill was read a third time by its title, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence in said amendment.

Mr. Archer, from the select committee to which was referred the bill for "An act in relation to steam and grist mills," reported the same back to the House with amendments, which were read and concurred in, and the bill ordered to a third reading, and read now the third time by its title, and passed.



*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Senate bill for "An act supplemental to 'An act, incorporating the Des Moines Rapids Railroad Company,'" was considered, and on motion, laid on the table.

Mr. Archer, from the select committee to which was referred a bill for "An act, requiring the county commissioners' court of Edgar county, to establish an additional election precinct, in Edgar county," reported the same back to the House with amendments, which were read and concurred in, and the bill.

*Ordered* to a third reading.

The rules being dispensed with, the bill was now read the third time by its title, and passed.

On motion of Mr. Archer,

The title was amended as follows:

"An act supplemental to 'An act to extend the Darwin and Charleston Turnpike, from Charleston to Springfield.'"

*Ordered*, That the title be as amended, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Archer, from the committee on State Roads, to which was referred the petition of Stephen Mack, reported the same back to the House, and was discharged from the further consideration of the same.

House bill for "An act further defining the duties of the Attorney General, and for other purposes," was read the second time, and,

On motion,

Laid on the table.

Mr. Archer, from the committee on State Roads, to which was referred the bill for "An act to re-locate a part of the State road from Carmi to Mount Carmel," reported the same back to the House, and recommended its passage; when the bill was read the third time, and passed, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Beall, Bissell, Brown of Vermilion, Charles, Court-right, Dunlap, English, Green, Hankins, Laughlin, Lincoln, McClernand, McClurken, McDonald, McLean, Marshall, Menard, Munsell, Murphy of Cook, Murphy of Perry, Olds, Ormsbee, Parkinson, Parsons, Peck, Phelps, Phillips, Reynolds, Thornton, Troy, Webb, West, White, Wilson, and Mr. Speaker—36.

Those who voted in the negative, are,

Messrs. Baldwin, Bentley, Bradford, Brown of Sangamon, Busey, Canady, Carpenter, Cavarly, Cox, Crain, Cunningham, Dollins, Drummond, Emmerson, Francis, Froman, Funk, Gillespie, Humphrey, Lester, Odam, Oliver, Ross, Scott, Trumbull, Waters, and Woodson—27.

*Ordered*, That the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Peck, from the committee on Finance to which was referred bills, as follows, viz:

"An act for the relief of Henry Rhines and Adam Berg;" and

"An act to authorize mortgagees to redeem real estate sold for taxes and assessments," reported the same back to the House and recommended their rejection; which was agreed to.

Mr. Peck, from the same committee, to which was referred sundry bills, viz:

"An act for the relief of Calvin Gould;"

"An act for the redemption of the Wiggins loan;"

"An act further to amend an act to provide for a settlement of accounts between the State Bank and Bank of Illinois;"

"An act making county collectors elective by the people;"

"An act to amend an act concerning the public revenue;" and

"An act to suspend an act to re-organize the Judiciary of Illinois," reported the same back to the House, and was discharged from the further consideration of the same.

Mr. Peck, from the same committee, to which was referred sundry documents, reported the same back, and was discharged from the further consideration of the same.

Mr. Peck, from the same committee, to which was referred the House bill for "An act to amend an act concerning the public revenue," approved February 26, 1839," reported the same back, with amendments; which were read and concurred in, and,

On motion of Mr. Bradford,

The bill and amendments were indefinitely postponed.

Senate bill for "An act supplemental to an act making appropriations for the years 1841 and 1842," was read the first time, and the second time by its title,

And the rule being dispensed with, the bill was read the third time by its title, and passed.

*Ordered*, That the Clerk inform the Senate thereof.

Mr. Peck, from the Finance committee, to which was referred a certain Senate resolution, reported the same back, and was discharged from the further consideration thereof.

Mr. Drummond, from the committee on Enrolled Bills, reported as correctly enrolled, bills of the following titles, to wit:

"An act to legalize the assessment of taxes in the county of Jo Daviess, for the year 1839;" and

"An act to establish a ferry therein named."

Engrossed bill for "An act to license lawyers and physicians, and for other purposes," was read the third time, and passed.

*Ordered*, That the title be as aforesaid, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

Mr. Kitchell moved to re-consider the vote on the passage of the bill for "An act to license lawyers and physicians, and for other purposes;" which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Baldwin, Beall, Bennett, Bradford, Brown of Vermilion, Canady, Cavarly, Drummond, Francis, Froman, Hardin, Henderson, Hull, Kitchell, Leary, Munsell, Ormsbee, Phelps, Shepley, Troy, Wheeler, Wilson, Woodson, and Wood—26.

Those who voted in the negative, are,

Messrs. Bentley, Bissell, Blackman, Brown, of Sangamon, Carpenter, Charles, Cox, Courtright, Crain, Cunningham, Dodge, Dunlap, Edwards, English, Funk, Gillespie, Green, Hankins, Humphrey, Laughlin, Lester, Lincoln, McClernand, McDonald, McGinnis, McLean, Marshall, Murphy of Cook, Murphy of Perry, Olds, Oliver, Parkinson, Parsons, Peck, Reynolds, Ross, Trumbull, Waters, Webb, West, White, and Mr. Speaker—42.

Mr. Peck offered for adoption the following resolution, viz:

*“Resolved by the House of Representatives, the Senate concurring herein, That the Governor shall settle with the agent of the contractors upon the Illinois and Michigan Canal, for one thousand bonds sold them (and negotiated by him on their account) upon the same terms and conditions that other agents of the State negotiating like Bonds, have been settled with;”* which,

On motion of Mr. Murphy of Perry,

Was indefinitely postponed.

Mr. Peck, from the committee on Finance, to which was referred certain bills, reported the same back, and was discharged from the further consideration of the same.

House bills of the following titles were severally read the second time, and laid on the table, to wit:

“An act in relation to the State Bank of Illinois, and for the relief of the people;” and

“An act concerning the revenue.”

Mr. Green, from the select committee to which was referred a certain petition, reported the same back to the House and was discharged from the further consideration of the same.

On motion of Mr. Hardin,

The engrossed bill for “An act concerning appeal bonds,” laid on the table at a day previous, was taken up for consideration, and,

On motion of Mr. Hardin,

The bill was amended by striking out all after the enacting clause and inserting a substitute; when the bill, as amended, was read the third time by its title and passed; and,

On motion of Mr. Hardin,

The title of the bill was amended, so as to read as follows: “An act in relation to the Northern Cross Railroad.”

*Ordered*, That the title be as amended, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

A message from the Senate, by Mr. Moore, a Senator:

*Mr. Speaker*: The Senate have concurred with the House of Representatives in the passage of an act, entitled “An act to amend an act authorizing the county commissioners’ court to construct certain roads in Greene county.”

Mr. Leary, from the committee on Enrolled Bills, reported as correctly enrolled, an act, entitled “An act to incorporate the Chicago Marine and Fire Insurance Company.”

Mr. Drummond, from the committee on Enrolled Bills, reported that the committee have this day laid before the Council of Revision for their approval, bills of the following titles, to wit:

“An act to legalize the assessment of taxes in the county of Jo Daviess for the year 1839;”

“An act to establish a ferry therein named.”

Mr. Dougherty, from the select committee to which was referred a bill for “An act to limit the tenure of public administrators, notaries public, and masters in chancery,” reported the same back and the bill was refused a third reading.

Mr. Trumbull, from the select committee to which was referred a certain petition of citizens of Illinois Town, reported the same back to the House, and was discharged from the further consideration of the same.

On motion of Mr. Peck,

The Senate bill for "An act defining the duties of the Commissioners of the Illinois and Michigan Canal," was considered,

And the question being on receding from the amendments of the House, in which the Senate refused to concur.

On motion of Mr. Peck,

The House receded from its amendment making the Treasurer a component part of the Canal Board.

Mr. Dodge moved that the House recede from its amendment which proposed to strike out the third and fourth sections of the bill; which was not agreed to; when,

On motion of Mr. Peck,

A committee of conference was ordered on the disagreeing vote of the two Houses on the above bill.

*Ordered.* That Messrs. Peck, Dodge, and Murphy of Cook be the committee on the part of the House, and that the Clerk inform the Senate thereof, and ask their concurrence therein.

A message from the Senate, by Mr. Moore, a Senator:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives, that they have concurred with them in their amendments to the following bills, to wit:

"An act to incorporate the Cairo City Mills;"

"An act to amend the several acts to extend the corporate limits of the town of Peoria;"

"An act to authorize the county commissioners of Pike county to execute a certain conveyance;"

"An act to incorporate the trustees of the Winchester male and female Common and Preparatory schools;"

"An act to regulate Foreign Insurance Company Agencies established in the State of Illinois;"

"An act for the relief of purchasers of canal lots;"

"An act to provide for the settlement of the accounts of the State House Commissioners;"

"An act authorizing the Canal Commissioners to sell land in certain cases;"

"An act to amend an act to incorporate the city of Springfield," approved February 3d, 1840;

"An act changing a part of the State road from Monmouth to Illinois City, and legalizing the location of a State road from Weathersfield to Farmington;"

"An act supplemental to an act entitled 'An act to authorize the Trustees of Shawneetown to construct a Macadamized road,'" and

"An act to locate a State road therein named."

A message from the Senate, by Mr. Moore, a Senator:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives that they have concurred with them in the passage of a bill from the House of Representatives, entitled "An act in relation to the Northern Cross Railroad between Springfield and Jacksonville."

Mr. Leary, from the committee on Enrolled Bills, reported as correctly enrolled, a bill of the following title, viz: "An act to amend an act, entitled 'An act in relation to the State Bank of Illinois,'" approved January 31, 1840.

Mr. Crain, from the committee on Enrolled Bills, reported as correctly enrolled and laid before the Council of Revision, for their approval, a bill of the following title, viz: a bill for "An act making appropriations for the years eighteen hundred and forty-one and two."

Mr. Parsons moved to re-consider the vote taken on a bill for "An act to authorize the Fund Commissioner to sell Bonds for the redemption of scrip, and for other purposes;" which was agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Bailey, Beall, Bennett, Bradford, Brown of Vermilion, Busey, Courtright, Dodge, Drummond, Dunlap, Emmerson, English, Froman, Gillespie, Hardin, Henderson, Hull, Laughlin, Leary, McClernand, McClurken, McDonald, McLean, Menard, Munsell, Murphy of Cook, Ormsbee, Parsons, Peck, Phelps, Reynolds, Scott, Thornton, Wood, and Mr. Speaker—36.

Those who voted in the negative, are,

Messrs. Baldwin, Barnett, Bentley, Bissell, Blackman, Canady, Carpenter, Cavarly, Charles, Cox, Cunningham, Dollins, Dougherty, Francis, Funk, Green, Hankins, Kitchell, Marshall, Murphy of Perry, Odam, Olds, Oliver, Parkinson, Phillips, Ross, Shepley, Troy, Trumbull, Webb, West, Wheeler, White, Wilson, and Woodson—35.

When Mr. Brown of Vermilion demanded a call of the House.

Mr. Dodge moved the previous question; when,

On motion of Mr. Trumbull,

The House adjourned till 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

House met pursuant to adjournment.

On motion of Mr. Parsons,

A bill for "An act authorizing the Fund Commissioner to sell bonds for the redemption of scrip, and for other purposes," was considered, and

On motion of Mr. Webb,

The bill and amendments were laid on the table, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bailey, Baldwin, Barnett, Bentley, Bissell, Busey, Canady, Carpenter, Cavarly, Charles, Cox, Crain, Cunningham, Dollins, Dougherty, Francis, Funk, Green, Hankins, Humphrey, Kitchell, Lester, Logan, McClurken, McGinnis, Murphy of Perry, Odam, Oliver, Parkinson, Parsons, Phillips, Ross, Scott, Troy, Trumbull, Turney, Webb, Wheeler, White, and Wilson—40.

Those who voted in the negative, are,

Messrs. Archer, Beall, Bennett, Bradford, Brown of Vermilion, Court-

right, Dodge, Drummond, Dunlap, Edwards, Emmerson, English, Gillespie, Hardin, Henderson, Hull, Laughlin, Leary, Lincoln, McDonald, McLean, Marshall, Menard, Munsell, Murphy of Cook, Olds, Ormsbee, Peck, Phelps, Reynolds, Thornton, West, Woodson, Wood, and Mr. Speaker—35.

Mr. Drummond, from the committee on Enrolled Bills, reported as correctly, enrolled bills of the following titles.

“An act to provide for the levying of taxes for school purposes in Griggsville, Pike county;”

“An act to amend an act, authorizing the county commissioners’ court to construct certain roads in Greene county;”

“An act to establish a ferry on the Mississippi river, in Pike county;”

“An act in relation to the Northern Cross Railroad, between Springfield and Jacksonville.”

Mr. Archer, from the committee on State Roads, to which was referred bills of the following titles.

“An act to re-establish a certain State road, in Adams and Pike counties;” and

“An act to provide for the building of bridges in Boone county,” reported the same back to the House, and recommended their rejection;” which report was concurred in.

On motion of Mr. Archer,

The committee of the Whole House was discharged from the further consideration of a Senate resolution, in relation to the Cumberland road, and on his further motion, said resolution was laid on the table.

On motion of Mr. Archer,

The Senate resolution proposing to rescind the restriction in relation to the location of the Cumberland road, was taken up for consideration; which was read.

Mr. Webb moved to amend the resolutions by striking out all after the word “resolved,” and inserting as follows:

“That our Senators in Congress be instructed, and our Representatives requested to use their best exertions to procure the passage of a law for the continuation of the Cumberland road to the Mississippi river, agreeably to the wishes of the people of the State of Illinois, heretofore expressed through the General Assembly.”

Mr. Archer moved to lay the amendment offered by Mr. Webb, on the table; which was not agreed to; when,

When the amendment, offered by Mr. Webb, was agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Bailey, Barnett, Beall, Bennett, Bentley, Brown of Vermilion, Cavarly, Charles, Crain, Dunlap, Edwards, Emmerson, English, Gillespie, Green, Hardin, Henderson, Hull, Lincoln, McClernand, McLean, Marshall, Menard, Murphy of Cook, Olds, Oliver, Ormsbee, Parkinson, Peck, Phelps, Phillips, Ross, Scott, Shepley, Thornton, Troy, Turney, Waters, Webb, Wilson, Woodson, Wood, and Mr. Speaker—43.

Those who voted in the negative, are,

Messrs. Archer, Baldwin, Bissell, Bradford, Courtright, Cox, Cunningham, Francis, Froman, Hankins, Kelly, Kitchell, Laughlin, Lester, Mc-

Clurken, McDonald, McGinnis, Munsell, Parsons, Trumbull, West, Wheeler, and White—23.

Mr. Bradford moved to lay the resolution as amended on the table. Which was agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Baldwin, Barnett, Beall, Bentley, Bissell, Bradford, Courtright, Crain, Cunningham, Dunlap, Francis, Froman, Hankins, Kelly, Kitchell, Laughlin, Logan, McClurken, McDonald, McGinnis, McLean, Munsell, Oliver, Parkinson, Parsons, Reynolds, Trumbull, Turney, Wheeler, White, Wilson, Woodson, and Mr. Speaker—34.

Those who voted in the negative, are,

Messrs. Bennett, Brown of Vermilion, Canady, Cavarly, Charles, Cox, Dodge, Edwards, Emmerson, English, Gillespie, Green, Hardin, Hull, Lincoln, Menard, Olds, Ormsbee, Peck, Phelps, Phillips, Ross, Shepley, Threlkeld, Troy, Waters, Webb, and Wood—27.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker:* I am directed by the Senate, to inform the House of Representatives, that they have concurred with them in the passage of a bill entitled "An act to sell the school section in township fourteen north, of range eight east of the fourth principal meridian," as amended by the House of Representatives, to obviate the objections of the Council of Revision.

A message from the Senate, by Mr. Harrison, a Senator:

*Mr. Speaker:* I am directed by the Senate to inform the House of Representatives, that they have concurred with them in the passage of bills of the following titles, to wit:

"An act to incorporate the Louisville Exporting, Importing and Manufacturing Company;" and

"An act to authorize the construction of a railroad from La Salle, in La Salle county, to Dixon, in Lee county, and for chartering a company with authority to construct said road, to be called the Illinois and Rock River Railroad Company."

They have concurred with the House of Representatives in the passage of a bill for "An act to authorize John Primm, Sr., to build a dam across the Sangamon river," as amended by them.

In which they also ask the concurrence of the House of Representatives.

They have refused to concur with the House of Representatives in their amendment to a bill for "An act to provide means for paying interest on canal loans, and amending the several laws in relation to the sale of canal lands and lots.

The Senate have concurred with the House of Representatives in the passage of a bill for "An act to repeal an act therein named," and

"An act to amend an act to establish Circuit Courts," approved February 23, 1841.

They have concurred with the House of Representatives in the passage of a bill for "An act to incorporate the town of Rock Island, in Rock Island county," as amended by them.

In which they ask the concurrence of the House of Representatives.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker:* I am directed by the Senate to inform the House of Rep-

representatives, that they have receded from their amendments to a bill for "An act for the relief of the creditors of the late William Wernwag."

A message from the Council of Revision, by Mr. Purinton, their Clerk:

*Mr. Speaker:* I am directed by the Council of Revision, to inform the House of Representatives, that they have this day approved bills of the following titles, to wit:

"An act to incorporate the Rock River Navigation Company;"

"An act to establish the Kishwaukee Ferry Company;"

"An act to improve the navigation of the Kaskaskia river;"

"An act to locate and change certain State roads;"

"An act creating an additional precinct in Johnson county;"

"An act to extend the location of the Darwin and Charleston Turnpike, from Charleston to Springfield;"

"An act to define the corporate limits of the town of Lacon, and to vacate the plat of the town of Auburn;"

"An act authorizing the mutual conveyance of certain lots by and between the Auditor of Public Accounts, and J. Whitney;"

"An act to locate a State road therein named;"

"An act to authorize Stanton Prentiss to establish a ferry across the Mississippi river;"

"An act in relation to certain mill-dams on Big Muddy, in Jasper and Clay counties;"

"An act supplemental to an act for the formation of the county of Mason;"

"An act for the formation of the county of Woodford;"

"An act requiring the county commissioners' court of Edgar county to establish an additional election precinct in said county;"

"An act supplemental to an act, to extend the Charleston and Darwin Turnpike, from Charleston to Springfield;"

"An act to legalize the assessment of taxes in the county of Jo Daviess, for the year 1839;"

"An act to establish a ferry therein named."

"An act making appropriations for the years 1841 and 1842;"

"An act to amend an act entitled 'An act in relation to the State Bank of Illinois,' approved January 31, 1840;

"An act concerning the State Bank of Illinois;"

"An act to amend 'An act to incorporate the City of Chicago,' approved the 4th day of March, 1837, and for other purposes."

House bill for "An act to authorize John Primm, Sr., to build a mill-dam, across the Sangamon river, with Senate amendments thereto, were considered, and the Senate amendments thereto, were read and concurred in.

*Ordered,* That the Clerk inform the Senate thereof.

House bill for "An act to incorporate the town of Rock Island, in Rock Island county, with Senate amendments thereto, were considered, and the amendments were read and concurred in.

*Ordered,* That the Clerk inform the Senate thereof.

House bill for "An act to provide means for paying interest on canal loans, and amending the several laws in relation to the sale of canal lands and lots," was considered.

Mr. Peck moved that the House adhere to their amendments to said bill; which was agreed to.



On motion of Mr. Peck,

A committee of conference on the disagreeing vote of the two Houses on said bill, was appointed.

*Ordered*, That Messrs. Peck, Henderson, and Archer be said committee, and that the Clerk inform the Senate thereof.

Mr. Leary, from the committee on Enrolled Bills, reported as correctly enrolled, a bill for "An act to repeal an act therein mentioned."

Also, a bill for "An act, to incorporate the Louisville Exporting, Importing, and Manufacturing Company."

Mr. Crain, from the committee on Enrolled Bills, reported as correctly enrolled, a bill of the following title, viz: a bill for "An act to sell the school section in township fourteen north, range eight east of the fourth principal meridian," and that he had laid the same before the Council of Revision, for their approval.

Mr. Drummond, from the committee on Enrolled Bills, reported as correctly enrolled, bills of the following titles, viz:

"An act to authorize the construction of a railroad from La Salle, in La Salle county, to Dixon, in Lee county, and for chartering a company with authority to construct said road, to be called the Illinois and Rock river Railroad Company;"

"An act to incorporate the town of Rock Island, in Rock Island county;"

"An act to authorize John Primm, Sr., to build a mill-dam across the Sangamon river;" which bills have this day been laid before the Council of Revision, for their approval.

A message from the Senate, by Mr. Berry, their Assistant Secretary:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that they have indefinitely postponed the consideration of a bill for "An act for the early completion of the Illinois and Michigan Canal."

Mr. Drummond, from the committee on Enrolled Bills, reported as correctly enrolled, a bill of the following title: "An act for the relief of the creditors of the late William Wernwag."

Mr. Drummond, from the committee on Enrolled Bills, reported that he had this day laid before the Council of Revision, for their approval, a bill of the following title: "An act for the relief of the creditors of the late William Wernwag."

Mr. Cavarly offered for adoption the following resolution:

*Resolved by the House of Representatives, the Senate concurring herein*, That the resolution fixing the adjournment of this session of the Legislature, at 9 o'clock, A. M., on Monday the first day of March, be rescinded, and that the two Houses will adjourn, *sine die*, on the said first day of March, at 7 o'clock, P. M., instead of 9 o'clock, A. M.; which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Barnett, Bissell, Bradford, Cavarly, Courtright, Crain, Dodge, Edwards, English, Gillespie, Green, Henderson, Hull, Laughlin, Leary, Lincoln, McClernand, McClurken, McDonald, Menard, Murphy of Cook, Murphy of Perry, Ormsbee, Parsons, Peck, Reynolds, Waters, Webb, Wheeler, Wood, and Mr. Speaker—32.

Those who voted in the negative, are,

Messrs. Bailey, Baldwin, Beall, Bennett, Brown of Vermilion, Carpen-

ter, Charles, Cox, Cunningham, Drummond, Dunlap, Emmerson, Francis, Funk, Hankins, Hardin, Lester, McGinnis, McLean, Marshall, Munsell, Olds, Oliver, Parkinson, Phelps, Phillips, Ross, Thornton, Troy, Trumbull, Turney, White, Wilson, and Woodson—34.

Mr. Olds demanded a call of the House; proceedings under which having continued for some time,

Mr. Parsons moved to dispense with further proceedings under the call; which was agreed to.

On motion of Mr. Drummond,

The vote just taken on the resolution offered by Mr. Cavarly, was reconsidered.

Mr. Olds moved the House adjourn, which was not agreed to, by yeas and nays as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Beall, Brown of Vermilion, Charles, Cox, Cunningham, Dougherty, Dunlap, Emmerson, Hankins, Hardin, Lester, McGinnis, McLean, Marshall, Munsell, Olds, Oliver, Parkinson, Phillips, Troy, Turney, West, Wilson, Woodson, and Wood—26.

Those who voted in the negative, are,

Messrs. Archer, Bailey, Barnett, Bennett, Bissell, Blackman, Bradford, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Drummond, Edwards, English, Francis, Gillespie, Green, Henderson, Hull, Laughlin, Leary, Lincoln, McClernand, McClurken, McDonald, Menard, Murphy of Cook, Murphy of Perry, Ormsbee, Parsons, Peck, Phelps, Reynolds, Ross, Shepley, Thornton, Waters, Webb, Wheeler, White, and Mr. Speaker—43.

Mr. Lincoln demanded the previous question on the adoption of the resolution offered by Mr. Cavarly.

Mr. Lester moved that the previous question lay on the table; which was not agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Baldwin, Beall, Brown of Vermilion, Charles, Cox, Cunningham, Dunlap, Emmerson, Funk, Hankins, Hardin, Lester, McGinnis, McLean, Munsell, Olds, Oliver, Parkinson, Phillips, Thornton, Troy, Turney, West, Wheeler, Wilson, Woodson, and Wood—27.

Those who voted in the negative, are,

Messrs. Archer, Barnett, Bennett, Bissell, Blackman, Bradford, Busey, Carpenter, Cavarly, Courtright, Crain, Dodge, Dougherty, Drummond, Edwards, English, Francis, Gillespie, Green, Henderson, Laughlin, Leary, Lincoln, McClernand, McClurken, McDonald, Marshall, Menard, Murphy of Cook, Murphy of Perry, Ormsbee, Parsons, Peck, Phelps, Reynolds, Ross, Shepley, Waters, Webb, and Mr. Speaker—40.

When the demand for the previous question was sustained,

And the resolution offered by Mr. Cavarly was agreed to, by yeas and nays, as follows:

Those who voted in the affirmative, are,

Messrs. Archer, Barnett, Bissell, Bradford, Cavarly, Courtright, Crain, Dodge, Drummond, Edwards, English, Gillespie, Green, Hankins, Henderson, Hull, Laughlin, Leary, Lincoln, McClernand, McClurken, McDonald, Menard, Murphy of Cook, Murphy of Perry, Ormsbee, Parsons,

Peck, Phelps, Reynolds, Ross, Thornton, Turney, Waters, Webb, Wheeler, Wood, and Mr. Speaker—38.

Those who voted in the negative, are,

Messrs. Bailey, Bennett, Blackman, Brown of Vermilion, Busey, Carpenter, Charles, Cox, Dougherty, Dunlap, Francis, Funk, Lester, McGinnis, McLean, Marshall, Munsell, Oliver, Parkinson, Phillips, Troy, West, Wilson, and Woodson—24.

*Ordered*, That the Clerk inform the Senate thereof.

A message from the Senate, by Mr. Moore, a Senator:

*Mr. Speaker*: I am directed by the Senate to inform the House of Representatives that they have passed the following resolution, viz:

*Resolved*, That the House of Representatives be respectfully requested to return to the Senate the following bill, viz: "An act to amend an act to establish Circuit Courts, approved February 23, 1841.

Mr. Drummond, from the committee on Enrolled Bills, made the following report:

"The committee on Enrolled Bills have this day laid before the Council of Revision, for their approval, bills of the following titles, viz:"

"An act to provide for the levying of taxes for school purposes, in Griggsville, Fike county."

"An act to amend an act authorizing the county commissioners' court to construct certain roads in Greene county;"

"An act to establish a ferry across the Mississippi river, in Pike county;"

"An act in relation to the Northern Cross Railroad between Springfield and Jacksonville."

Mr. Henderson introduced a bill for "An act to repeal the revenue laws of this session; which was read the first time, and

*Ordered* to a second reading; when,

On motion of Mr. Hardin,

The House adjourned.

## MONDAY, MARCH 1, 1841.

House met pursuant to adjournment.

Mr. Bentley asked and obtained leave to withdraw a petition presented by him some days since, from citizens of Bond county in relation to State revenue laws.

Mr. Murphy of Cook asked and obtained leave to withdraw the petition and papers of William Dormady.

Mr. Henderson, from the joint select committee to which was referred the communication of Wm. F. Thornton, enclosing a letter from Nevins, Townsend & Co., reported the same back to the House, and was discharged from the further consideration thereof.

Mr. Archer, from the committee of conference on the disagreeing vote of the two Houses on the bill for "An act to amend an act in relation to the Illinois and Michigan Canal, and to provide by sale of canal lands and lots for the payment of interest on the canal debt," reported that the committee had considered the same and recommended to the Senate to agree

to the House amendments to said bill, with the restriction that no lands should be sold more than half a mile from the line of said canal.

The Speaker laid before the House the following communication:

SPRINGFIELD, Feb. 27, 1841.

To the Honorable,

*the Speaker of the House of Representatives:*

SIR—I hereby resign my seat in the House of Representatives, as a Representative from the county of Hamilton.

Your ob't serv't.

M. CARPENTER.

Mr. Hardin offered the following protest, which was read, and ordered to be entered on the Journals, to wit:

### PROTEST.

The undersigned feel it their imperious duty to enter their protest against the passage of "An act regulating the sale of property sold under execution."

We protest against said act,

1st. Because we believe it to be unjust and illegal; for as the law which existed at the time of making a contract, constitutes in view of both contracting parties an essential part of the contract; a total change of that law as in this case, violates the contract to the manifest prejudice of one of the parties. It is therefore a violation, in our opinion, at least of the spirit of that clause of the Constitution which declares that "no law shall be passed impairing the obligation of contracts."

2d. It gives the creditor, debtor, and officer, each the right of choosing a valuer, and thus places it in the power of the officer to favor either creditor or debtor at his election.

3d. It provides no way by which a creditor who does not bid two-thirds of the value of the property may continue to hold a lien on the property levied on.

4th. Under its provision, if a debtor owns a house and lot, or other piece of property which cannot be divided, worth five hundred dollars, and a creditor has a judgment against him for one hundred dollars, the creditor must pay out more money than his debt to have the property sold under his judgment.

5th. Because the law is in other respects imperfect, defective, and inconsistent with the other judgment and execution laws of this State.

6th. Because we believe such laws are rarely, if ever, beneficial to the debtor, whilst they are harrassing and vexatious to both creditor and debtor, when attempted to be carried into practice.

7th. All experience has proved such laws to be destructive of all confidence between men in business, requiring prompt compliance with contracts, and eminently hostile to the trade and commerce of a State.

8th. The crowd of business in many of the circuit courts of the State, has been, and still continues to be such as to make creditors wait from one to three years to get a judgment, and this delay, with the embarrassments

proposed to be thrown in the way of the collection of debts by this law, will in very many instances amount to a denial of justice.

9th. The losses and delays arising from the above recited causes in the collection of debts, will injure or destroy the credit of all our citizens who may have business, trade, or commercial dealings with other portions of our sister States, and we shall be under the mortifying necessity of seeing Illinois traders and merchants ranking lower in the scale of credit and confidence than others of our sister States, owing to this unwise, injudicious, and impolitic legislation.

10th. Because the character and credit of our State has been heretofore seriously impaired by improvident and extravagant legislation, and the passage of this "stay and stop law" will still further injure the character of the State, and stamp it as peculiarly cursed with a wild and reckless spirit of legislation.

11th. Because, although the passage of such a law may be desired by some few persons, yet we believe it to be wholly uncalled for, and unexpected by the great majority of the citizens of the State, who desire to see men stand by their contracts, and the laws enforced without fear, favor, or affection.

J. J. BROWN,  
D. M. WOODSON,  
JNO. BENNETT,  
JEREMIAH COX,  
ALDEN HULL,

JOHN J. HARDIN,  
LEANDER MUNSELL,  
LYMAN TRUMBULL,  
JAMES PARKINSON,  
PETER MENARD, Jr.

The following message was received from the Council of Revision, by Mr. Purinton, Clerk of the Council:

*Mr. Speaker:* The Council of Revision have directed me to inform the House of Representatives, that on Saturday the 27th inst., they approved bills of the following titles, to wit:

"An act in relation to the Northern Cross Railroad between Springfield and Jacksonville;"

"An act to provide for the payment of interest on the public debt;"

"An act to locate the county seat of Stark, and to make a certain addition to said county;"

"An act for the formation of the county of Allen;"

"An act to provide for the levying of taxes for school purposes, in Griggsville, Pike county;"

"An act to amend an act authorizing the county commissioners' court to construct certain roads in Greene county;"

"An act supplemental to the charter of the Springfield and Alton Turnpike Road Company;"

"An act to establish a ferry on the Mississippi river, in Pike county;"

"An act to repeal an act therein mentioned;"

"An act for the relief of the creditors of the late William Wernwag;"

"An act to sell the school section in township fourteen north, range eight east of the fourth principal meridian;"

"An act to incorporate the Louisville Exporting, Importing, and Manufacturing Company;"

"An act authorizing certain debtors of the State to discharge their indebtedness in Illinois internal improvement scrip;"

"An act to authorize John Primm, Sr., to build a mill-dam across the Sangamon river;"

"An act to incorporate the town of Rock Island, in Rock Island county;"

"An act to authorize the construction of a railroad from La Salle, in La Salle county, to Dixon, in Lee county, and for chartering a company with authority to construct said road, to be called the Illinois and Rock river Railroad Company."

When, in conformity with a joint resolution of the two Houses, fixing this day at 9 o'clock, A. M., for the adjournment of the Legislature, the Speaker pronounced the House adjourned without day.

JOHN CALHOUN,

*Clerk of the House of Representatives.*

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